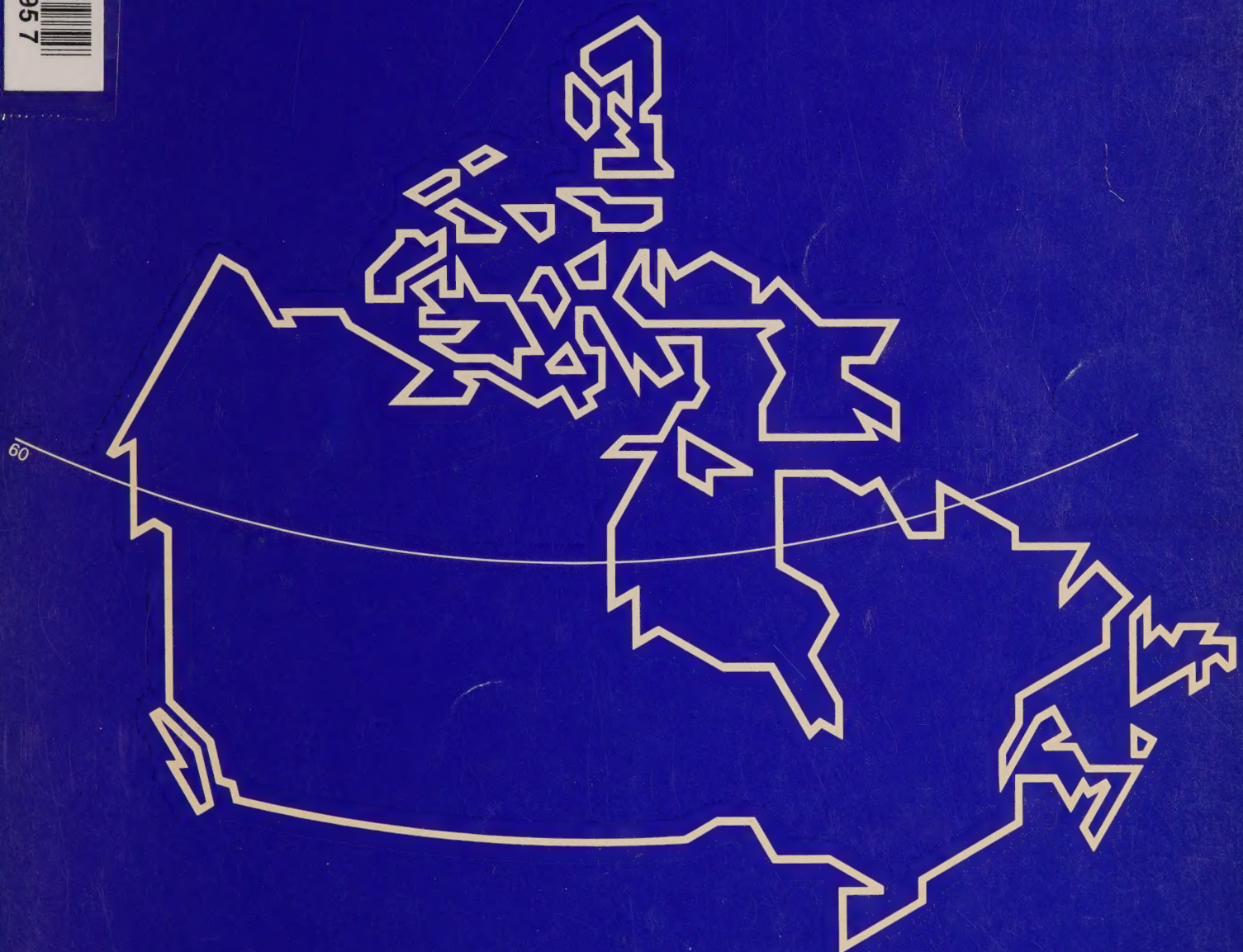
Indian and Northern Affairs
Affaires indiennes et du Nord

North of 60

Inuit and the Administration of Criminal Justice in the Northwest Territories: The Case of Frobisher Bay

NRD 76-3

by Harold W. Finkler



Inuit and the Administration of Criminal Justice in the Northwest Territories: The Case of Frobisher Bay

by Harold W. Finkler

April 1975

Published under authority of the
Hon. Warren Allmand,
Minister of Indian and Northern Affairs,
Ottawa, 1976.
QS-8118-000-EE-A1

Catalogue No. R52-11/1976
ISBN 0-662-00222-9

Abstract

The study describes the traditional system of social control within Inuit society and traces the development of socio-legal structures in the Northwest Territories to determine their growth and the varying influence of their teaching role in enlightening Inuit about the law and the criminal justice system. The historical account serves as a frame of reference to examine the difficulties encountered by Inuit in their transition to Canadian law ways and formalized agencies of socio-legal control.

Accordingly, through the means of participant observation, interviews, and the evaluation of judicial and correctional statistics, our contemporary analysis of the eastern arctic community of Frobisher Bay, an appropriate setting to describe Inuit and the administration of criminal justice in a changing society, focusses on the functioning of that system, but particularly on the decision-making process and its effects on the Inuit population in terms of the level of comprehension, acceptance, confidence and impressions of the overall structure of formal control.

The findings revealed a neglect of adequate communication with Inuit, or an information gap, impeding their understanding of the concepts and mechanisms inherent in our Canadian law and formal agencies of socio-legal control; a general lack of Inuit participation or involvement in the tasks of these agencies; and a limited success of the existing programs or services in the Northwest Territories and Frobisher Bay for the resocialization of Inuit offenders, based on southern oriented social work concepts and techniques, and administered by non-Inuit.

Foreword

This research on Inuit and the administration of criminal justice in the Northwest Territories, describing the adaptation of Inuit to Canadian law ways and formalized agencies of social control, provides an insight into the functioning and delivery of that system and its effect on Inuit in terms of the level of comprehension, acceptance, confidence and impressions of the criminal justice system. This criminological analysis and subsequent development of our program of research in the Eastern Arctic, focusing on deviant behaviour, the abuse of alcohol or drugs, and socio-legal control is a response to the needs for action in alleviating some of the social problems encountered by Inuit during their transition to Euro-Canadian culture.

The value in publishing the findings of Mr. Finkler's socio-legal research, apart from its thorough examination of Inuit and the justice system, lies in the fact that many of their problems in adaptation to a white, southern oriented culture are analogous to other aboriginal peoples. Furthermore, in view of the information gap among Inuit, the division has initiated efforts toward the dissemination of the research results into *Inuktitut.*

In conclusion, I would like to express my thanks to Dr. A. Normandeau, Ecole de Criminologie, Université de Montréal, for his permission to publish this report.

Dr. H. Morrissette,
Chief,
Northern Research Division.

Acknowledgements

I wish to express my thanks to the Northern Research Division, Department of Indian Affairs and Northern Development, for its financial assistance to the International Centre for Comparative Criminology, directed by Dr. D. Szabo, which made this research possible and to the Donner Foundation which enabled me to complete this work. This study also fulfilled the thesis requirements for a Maîtrise ès Sciences (Criminologie), Université de Montréal. To my thesis advisor, Dr. M. LeBlanc, Assistant Professor, I am indebted.

Finally, I would like to express my sincere gratitude to the many people in Frobisher Bay and elsewhere in the Northwest Territories who kindly gave time and effort to make this study possible.

Harold W. Finkler

Table of contents

List of tables

Introduction

This study evolved out of concern for the impact of a formalized means of social control, as embodied in a code and applied by the agents of sanction, such as the police and the judiciary, on an indigenous group in a rapidly changing society. Though our study centres on Eskimos, or Inuit, many of their problems in adapting to a white, southern oriented culture are analogous to those of other aboriginal peoples.

Our examination of Inuit and the administration of criminal justice in the Northwest Territories will comprise a historical account of the traditional system of social control that had remained relatively unchanged until the 20th century, followed by the development of the Canadian system of criminal justice. The discussion of the police, courts and corrections will delve into the degree of success of their varying efforts at tutelage in the alien form of legal norms and sanctions imposed on Inuit and other indigenous groups. An evaluation of factors emanating from the interface of Euro-Canadian and Inuit cultures in terms of their criminogenic effects will link our study with current developments in the Northwest Territories.

The object of our historical account is to illustrate the sharp contrast between the Inuit and white southern cultures, and the significant differences in their control systems, in order to set the scene for an examination of the present circumstances within the community of Frobisher Bay, Northwest Territories

The community of Frobisher Bay serves as an appropriate setting to describe the administration of criminal justice in a changing society. Our description will focus on the functioning of the criminal justice system in Frobisher Bay, but more significantly, on the decision-making processes and their impact on the Inuit population in terms of their level of comprehension, acceptance, confidence and impressions of the overall structure of formal control.

In conclusion, the study's objectives are three-fold. First, we are seeking to determine measures which would strengthen and expand existing programs designed for the resocialization of indigenous offenders, the casualties of the interface of Inuit and outside cultures in a milieu of often perplexing and accelerated change. Secondly, we are trying to focus on factors that would contribute to the consolidation of continuity within the overall system of criminal justice to ensure the protection of society, the offender, and ultimately, his or her resocialization. Finally, we are endeavouring to ascertain methods of communication, such as perhaps through the circulation of the findings of this study within the community, translated into *Inuktitut,* toward the increased familiarization and understanding of indigenous persons of the concepts and mechanisms inherent within our Canadian law and formal agencies of socio-legal control. Perhaps such methods will stimulate a greater participation of Inuit in the administration of criminal justice rather than being merely subject to this structure.

Chapter One

Inuit and the Administration of Criminal Justice in the Northwest Territories

This chapter will serve as a frame of reference for an understanding of our subsequent analysis of the current issues and events in the eastern arctic community of Frobisher Bay. Commencing with a description of the traditional system of social control within Inuit society, we shall proceed to review the law and the growth of the formal agencies of social control within the Northwest Territories, such as the Royal Canadian Mounted Police, the judiciary and corrections, to ascertain the direction of their growth and the varying influence of their teaching role in enlightening Inuit about the law and the administration of criminal justice. Finally, we shall examine several negative patterns in the adaptation of native groups to accelerated change as well as to new and unfamiliar situations of stress, arising from an increased southern involvement in northern affairs and development.

The Traditional System of Social Control

In our reference to a system of social control, we adhere to Cohen's (1966) general definition of the term as "social processes and structures tending to prevent or reduce deviance" (p. 39). Accordingly, our description of the traditional system of social control within Inuit society will focus on its normative structure or prescribed rules for acceptable behaviour within the group, the roots of conflict, the reaction to interpersonal conflict and norm violation, and several comments as to the distinguishing features of this system of control.

One cautionary note regarding the following discussion on the normative and reaction systems is that despite the existence of regional variations among Inuit communities within arctic regions, we are forced into generalizations as a result of limited documentation on the subject.

Normative structure

Traditionally, Inuit communities, such as the Caribou Eskimos, characterized by their small size and loosely structured groups of families, were "voluntarily connected by a number of generally recognized laws" (Birket-Smith, 1929, p. 260). However, in reference to these customary laws, Birket-Smith, as well as Goldschmidt (1956) and Vallee (1962), stressed that these norms were not codified.

Though there were no written directives to guide or check a person's behaviour, certain rules and obligations were in evidence among most Inuit groups. In essence, these rules focused on a person's obligations with respect to hunting and the sharing of food, natural resources and material goods (Balikci, 1970; Birket-Smith, 1929). Similarly, Hoebel (1954), in his evaluation of beliefs and practices inherent within the Inuit system of social behaviour, established the existence of a number of underlying jural postulates and corollaries.

Specifically, these postulates expressed a multitude of taboos as well as beliefs, such as that no one should be a burden on the community; obligations concerning the sharing of natural resources as well as material goods; the affirmation of a person's individualism; male-female roles in addition to that of the family; and the need to be able to predict a person's behaviour. In Hoebel's opinion, these postulates constitute the bases of legal or quasi-legal principles and norms, whose violation may evoke a varying pattern of reactions and sanctions.

Sources of conflict

Balikci (1970), in his study of the Netsilik, indicated that the more common causes of conflict and tension evolved out of mockery, jealousy, laziness, and minor misunderstandings. Similarly, the social equilibrium of the community was disturbed by a thief or liar. However, Balikci concurred with Birket-Smith (1929) that intragroup theft occurred quite rarely, with the offender being regarded as an unpleasant person as well as a liar. We should note that Hoebel (1954) makes the distinction that among some Inuit, chronic lying was regarded as being as grave as homicidal recidivism.

The most frequent breach of the peace centred about the competition for women (Balikci, 1970; Birket-Smith, 1959). Significantly, Balikci and several other authors (Hoebel, 1954; Steenhoven, 1962; Vallee, 1962) have stated that the most prevalent source of violence, ranging from assaults to murder or attempted murder, was the desire to abduct or steal a woman.

Murder, usually the culmination of the aforementioned escalation in rivalry over a female, was regarded as a serious violation of community norms (Birket-Smith, 1929, 1959). In addition to conflicts over females, Balikci (1970) revealed that excessive derision, bullying, or resentment occasionally resulted in extreme acts of aggression, including murder. Birket-Smith (1929, 1959) and Hoebel (1954) noted that only sorcery or witchcraft ranked with murder as a grave offence in terms of its ability to markedly disrupt and threaten the equilibrium of the entire community.

Reaction to conflict

Prior to our examination of the varying patterns of reactions to situations of normative or interpersonal conflict, it should be noted that the traditional system of social control was devoid of any authority for the administration of its customary laws (Birket-Smith, 1929). Furthermore, Birket-Smith stressed that the system of control did not aim at justice in its individual or collective response to conflict or deviance, but rather at restoring the peace within the community.

In our subsequent presentation of the patterns of reaction to conflict, we make the distinction, as did Weyer (1932), between individual and group action, where the type of action was contingent on whether the deviant act constituted a threat to the entire community or only to a particular individual.

A. Individual action

In situations of normative or interpersonal conflict of a minor nature, such as theft or abduction, Weyer (1932) found that group reaction was rarely invoked. Furthermore, in a survey of different Inuit communities, Weyer revealed that the usual course of redress by an offended party was through individual action. The options for individual action in response to stress and conflict are varied and will be discussed in some detail. However, we would like to point out that not all of these strategies or reactions fall within the processes of conflict resolution.

The latter point becomes clear when we consider that one of the predominant reactions to stress by an individual was his withdrawal from the situation (Balikci, 1970; Graburn, 1969; Hall, 1864; the Honigmanns, 1965; Steenhoven, 1956a, 1956b). Another avoidance reaction, cited by Graburn, particularly in response to minor irritations, was simply to ignore the existence of the problem.

The skillful use of gossip and derision served as an informal means of showing disapproval of the actions of an offender, and further functioned as some control on his behaviour (Balikci, 1970). Furthermore, Hoebel (1954) and Steenhoven (1962) stated that derision was utilized decisively in the song duel, a formalized technique for conflict resolution between two disputants. Several researchers (Balikci, 1970; Birket-Smith, 1929, 1959; Graburn, 1969; Hoebel, 1954; Weyer, 1932) have also ascertained the existence of boxing, butting and wrestling as additional structured forms for the settling of disputes. In Balikci's opinion, the function and value of these regulated techniques for peacemaking, or what Hoebel has termed as juridical forms, is that it brought the normative or interpersonal conflict between two parties before the community, with its resolution determined through a single combat.

The most extreme, though frequent reaction, with or without community approval, in response to an escalation in interpersonal or normative conflict or in obedience to the duty of blood vengeance, was the act of murder (Graburn, 1969; Weyer, 1932). Murder, with its corollary, the blood feud, will be discussed more fully in our reference to patterns of group action.

B. Group action

Whereas individual reaction was the culmination of varied responses to private conflicts, group action was operationalized when an offender's behaviour jeopardized or undermined the social equilibrium of the community as a whole.

Deviant behaviour within an Inuit community frequently resulted in the alienation of the offender from the group, manifested in the camp's social or physical withdrawal from that person (Birket-Smith, 1929; Steenhoven, 1956a, 1962; Vallee, 1962). Steenhoven (1962) revealed that this passive withdrawal could occur in reaction to the disruption of the community by acts of theft, lying, or laziness. Interestingly, Graburn (1969) cites the use of probation, characterized by the community's informal assessment of the probable recidivism of the disruptive behaviour, with the "probationary reprieve from community sanctions... in force only as long as the probationer exhibited accepted behaviour" (p. 54).

A more grave reaction to an individual, whose acts disturbed the peace within the community as a whole, was his exclusion from the camp (Birket-Smith, 1959; Chance, 1966; Goldschmidt, 1956; Hoebel, 1954; Schuurman, 1967; Vallee, 1962). According to Graburn (1969), exile from the camp, with its suspension of social and economic support, was regarded as one of the most severe sanctions an offender could incur with death a possibility for failure to comply with the wishes of the group. Such drastic reaction to situations regarded as a menace to the community was invoked for such offences as the persistent violation of taboos, bullying, or the abduction of wives (Chance, 1966; Hoebel, 1954).

Hoebel (1941, 1954), in his extensive examination of Inuit law ways, ascertained the existence of several forms of homicide approved by the community as a whole in response to a situation of intolerable stress. In addition to the approved execution of an offender whose action constituted a menace to the stability of the community, where lesser sanctions had proved ineffectual, other forms of acceptable homicide were infanticide (Balikci, 1970; Boas, 1907; Hoebel, 1941), invalidicide (Boas, 1907; Hoebel, 1941, 1954), senilicide (Boas, 1907; Hoebel, 1941, 1954), and suicide by the aged, with or without assistance (Balikci, 1970; Boas, 1907; Hoebel, 1941, 1954). According to Hoebel (1941), the rationale for the acceptibility of the latter forms of homicide emanated from the belief "that only those may survive who are able (or potentially able) to contribute actively to the subsistence economy of the community" (p. 670).

At this juncture we would like to reiterate that individual reaction to conflict, resulting in homicide, constituted a private wrong obliging the victim's kinsmen to exact blood vengeance for the murder (Birket-Smith, 1929, 1959; Boas, 1888; Hall, 1864; Hoebel, 1941, 1954). However, our discussion will illustrate the differences in the patterns of homicidal reaction that evolved through group consensus to rid the camp of a troublemaker as opposed to similar action by one party in a private dispute.

Whereas an individual who murdered several persons in one incident may have been regarded with a certain amount of esteem within the community, recidivist murderers (Hoebel, 1941, 1954), excessively belligerent or obnoxious individuals (Balikci, 1970; Boas, 1888, 1907; Hoebel, 1941, 1954), insane persons (Balikci, 1970; Steenhoven, 1959, 1962), evil sorcerers (Balikci, 1970; Hoebel, 1954; Steenhoven, 1959,

1962), and even chronic liars (Hoebel, 1954), whose actions severely undermined the equilibrium and peace of the community, incurred the punishment of death.

In situations where the actions of one of the aforementioned offenders pose a grave threat to the entire camp, an informal gathering of the group occurs to deliberate as to what action is deemed necessary when other sanctions have failed to deter the undesired behaviour (Balikci, 1970; Hoebel, 1941, 1954). Though the Inuit community is devoid of forensic institutions such as the court with its trial, Gluckman (1965) refers to this informal gathering, involved in the rational discussion of the situation, as an example of a proto-judicial process. Furthermore, Gluckman and others (Balikci, 1970; Hoebel, 1941, 1954; Steenhoven, 1959) have determined that a crucial aspect in the camp's deliberations is the presence of, and consultation with, the offender's relatives.

The decision to execute the offender is arrived at through a group consensus, with blood vengeance being avoided as a result of the community's sanction of the act and further ensured through the selection of an executioner from the ranks of the offender's close relatives (Balikci, 1970; Boas, 1907; Hoebel, 1941, 1954). Therein lie the main differences between private and public homicide.

Reflections on the system of social control

Generally, the prevailing social climate within Inuit society, devoid of a formalized system of social control, was that of order except for the actions of those who risked deviation from the norm (Ferguson, 1971; Hoebel, 1954; Service, 1966). In Hoebel's opinion, the major factor contributing to this general state of order and peace has been the homogeneity of the Inuit community wherein the informal mechanisms of social control were highly effective in a society characterized by primary relationships.

Furthermore, in our discussion on the patterns or reaction to normative and interpersonal conflict, it was quite evident that the traditional system of social control was operationalized to restore the peace or social equilibrium within the camp rather than to administer punishment or seek justice (Birket-Smith, 1959; Hoebel, 1954; Steenhoven, 1959). In addition, Steenhoven (1956b) noted that the absence of legal concepts and notions about crime, familiar to European thought, is revealed by the fact that traditionally, no words existed in *Inuktitut* for law, crime, or justice.

Another distinguishing feature of the traditional control system was its flexibility in reaction to conflict, dependent on varying personality and situational circumstances (Balikci, 1970; Goldschmidt, 1956, 1974; Graburn, 1969; Steenhoven, 1956a). According to Goldschmidt, this flexibility emanates from Inuit belief that their reaction must be weighed against the adverse effects these measures might have upon the social solidarity of the community and social utility of the offender. The community's assessment of the offender's value to the group has been termed by Goldschmidt (1974) as a consideration arising out of the scarce resources or the "question of which priority the society gives one cost or another in a concrete conflict situation" (p. 5).

Previously, we attested to the lack of any structure or formal authority within Inuit society for the administration of its customary laws. However, both Graburn (1969) and Pospisil (1964) cite the influence of the group leader to informally render sanctions or perform what Graburn has termed "ad hoc adjudication in a conflict situation" (p. 57). This is not to deny the fact that Inuit society was characterized by an absence of a formal authority to administer the system of social control, but rather follows Pospisil's redefinition of authority and control in terms of a leader's or subgroup's ability to sway the majority of the camp to support his or their decision.

We shall conclude our description of the traditional system of social control with a discussion as to whether the patterns of reaction within Inuit society revealed the existence of law.

Hoebel (1954) established that the essential elements for the identification of law comprise privileged force, official authority and regularity. Incorporating these elements for working purposes, he defined law in the following manner:

A social norm is legal if its neglect or infraction is regularly met, in threat or in fact, by the application of physical force by an individual or group possessing the socially recognized privilege of so acting (p. 28).

Steenhoven (1956b, 1959), guided by Hoebel's definition, ascertained that the conditions of law were not met in his studies of the Caribou and Netsilik Inuit. Though he found no evidence of social control on a legal level within either group, Steenhoven (1959) did establish that several cases of approved execution among the Netsilik met the partial requirements of law, that of regularity and physical force, though he could not consider, as does Pospisil (1964), that the influence exerted by the family head in the matter constituted the final requirement of recognized authority.

The difficulty surrounding this question of law is the fact that the term has several meanings. However, for the purposes of our study we shall approach this question in another perspective.

Gluckman (1965), in his discussion on dispute and settlement in tribal society, stated that, "All societies have bodies of accepted rules: in this sense they all have law" (p. 202). However, while we may concede that Inuit had law, the fundamental difference between their system of social control in comparison with Euro-Canadian structures is the former's lack of forensic institutions, such as courts, for the litigation and adjudication of conflict.

In conclusion, the traditional system of control within Inuit society was characterized by its effectiveness stemming from primary relationships among people, its intervention aimed at the restoration of peace rather than justice, its flexibility in reaction to conflict dependent more on an assessment of the scarcity of resources available within the community than on punishment, and finally, by its lack of forensic institutions for litigation and adjudication. This was in marked contrast to more complex societies, which according to Cohen (1966), have institutionalized the system of social control through the creation of formalized agencies of control duly authorized to administer the law.

Accordingly, it is one of the objectives of our study to examine the transition of Inuit to an allegiance to previously unfamiliar codified laws and a formal legal system; a system imposed on aboriginal people by the Canadian government and its representatives, without consultation or evaluation as to whether it was appropriate or required any modification to fit the cultural milieu.

Inuit in Relation to the Development of the Administration of Criminal Justice in the Northwest Territories

In our description of the system of criminal justice we shall present a historical account, detailing the development of each agency, i.e., the police, the judiciary with its related services, and corrections, within the Northwest Territories. This development will be analyzed with particular reference to Inuit and the agencies' role in the introduction of Canadian criminal law and the extent to which it is understood by the indigenous peoples.

The law

In contrast to the traditional Inuit system of social control, Euro-Canadian society is distinguished by codified laws whose regular enforcement and administration has been institutionalized by the appointment of specialized agencies for control possessing the recognized authority to function in that capacity. Prior to commencing our description of the sanctioning agents, we shall present the written laws that apply to the Northwest Territories. First, they comprise Federal Statutes such as the Food and Drugs or Narcotic Control Acts, etc., in addition to the Canadian Criminal Code. Secondly, in force are Territorial Ordinances passed by the Commissioner in Council, comparable to Provincial Statutes, encompassing regulations concerning liquor, motor vehicles, game, etc. The final category constitutes what Morrow (1972a) has termed as "such English law as seems applicable making allowances for differences in conditions as was in force on July 15, 1870" (p. 3). However, for the purpose of this study we are concerned only with the first two bodies of law whose violation sets the system of criminal justice in motion.

The Royal Canadian Mounted Police

The R.C.M.P. has been charged with the responsibility of enforcing the laws pertaining to the Northwest Territories. In order to understand the present circumstances involved in the complexities of law enforcement in arctic regions, we shall present a synopsis of the development of the force and its introduction of Canadian law among the Inuit.

A. The evolution of law enforcement in arctic regions

Responding to the challenge to its sovereignty in the Arctic, the Government of Canada, in 1903, launched an expedition to patrol its arctic shores and commence the establishment of police posts, principally for the administration of law and justice (Jenness, 1964, 1968). In fact, according to Jenness, during the period from 1903-1921, Inuit were the wards of the police until the administration of the Northwest Territories became the jurisdiction of the Minister of the Interior. This growing 'archipelago' of Royal North-West Mounted Police Detachments (Kelly and Kelly, 1973, noted that the force was renamed the Royal Canadian Mounted Police, February 1, 1920) affirmed Canada's acceptance of its responsibilities in the Arctic. However, other than a concern for the maintenance of law and order, Jenness viewed Canadian policies during these early years as indicative of a flagrant disregard for the social, medical, educational and economic needs of its aboriginal people.

While Jenness compared the initial years of the force's development in the North to a military occupation, the establishment of detachments throughout the region did result in the force's introduction of the rule of Canadian law among Inuit. However, the services performed by members posted in these isolated detachments, encompassed a whole range of duties in addition to law enforcement. Aside from their duties in the enforcement of the law, coupled with its administration as justices of the peace, members conducted patrols of their districts, served as census officers, and administered cooperatives, postal, medical and welfare services as required (Jenness, 1964; R.C.M.P. *Annual Report*, 1946).

Formal agents of social control, such as the police or judiciary, along with their introduction of the law, have an important role in teaching an unfamiliar legal system of sanctioning to indigenous peoples. Through informal and formal means of communicating the new norms and sanctions, some actions, while acceptable within the traditional context of Inuit reaction patterns to normative or interpersonal conflict, were redefined by these agents as illegal or criminal. Gradually, such practices as approved homicide and feuding declined as the force's intervention increased and proved successful in bringing murderers before the courts to stand trial.

The teaching of an unfamiliar normative and sanction system, our Canadian law and administration of criminal justice, was an exceedingly difficult and complex task. Further in our study, we shall examine the

degree of success achieved through these varied efforts at tutelage with a view to an adequate familiarization and comprehension of Canadian law ways. However, for the moment, we shall concentrate on some of the difficulties experienced by members of the Force during the initial stages of their application of the law, its enforcement, and administration.

Some of the *Annual Reports* of the R.C.M.P., a record of these early years, cite some of the difficulties incurred by members during the performance of their duties. For example, the *Annual Report* of 1922, in an account of a preliminary inquiry into a murder at Pond Inlet, revealed that the Inuit accused, along with several Inuit witnesses, made statements despite having been given the statutory warnings, which, in the opinion of the Staff Sargeant at the scene, were entirely beyond their comprehension. A similar instance of a lack of comprehension, documented in the *Annual Report* of 1935, occurred, but in another set of circumstances, over the meaning of a subpoena.

The matter of adequate interpretation, particularly of legal terms which have no basis in *Inuktitut*, further accentuate these difficulties in comprehension. For example, in 1922, after a patrol to Kent Peninsula, one of the members affirmed that for the proper performance of his duties, an able interpreter was required. His following comment, in reference to Inuit, which accompanied his plea for a qualified interpreter, is significant. "They require everything to be explained to them in detail, otherwise they imagine that they are being bluffed, and sooner or later there will be a mix-up in making an arrest" (R.C.M.P. *Annual Report*, 1922, p. 43). In view of their unfamiliarity with our law ways, it was not at all unreasonable for Inuit to expect an explanation they could understand.

Frequently, the very function of the police was suspect or not properly understood. This was aptly illustrated in an excerpt from the R.C.M.P. *Annual Report*, 1931, which recorded the remarks of a member during a meeting he had with Inuit on Southampton Island. During a patrol to investigate an incident which had occurred at that location, he "found that the Natives were under the impression that the police would kill any native who had committed a wrong" (p. 89). Sufficiently aware of the authority of the police, and in the context of a certain degree of retribution existent within their own traditional system of reaction, we suggest that this deduction was quite understandable.

In recent years, law enforcement in the Northwest Territories, as throughout Canada, has changed dramatically. In addition to a description of the present structure of the federal police force in the North, we shall focus on some of the issues that have contributed to a decided shift from a distinct northern type of enforcement to a more standardized system of policing, characteristic of southern semi-urban centres.

B. Law enforcement in a changing North

Structurally, law enforcement by the R.C.M.P. in the Northwest Territories and Yukon falls under the jurisdiction of "G" Division, which according to the *Annual Report* of the Solicitor-General, 1970-71, had a strength of 176 regular members, 25 Special Constables, three civilian members and 26 public servants. Prior to August 17, 1974, "G" Division, with its Sub-Divisions situated in Whitehorse, Inuvik, Yellowknife, and Frobisher Bay, had its headquarters in Ottawa. However, with the improvement in the overall system of communication, headquarters was officially moved to Yellowknife, N.W.T., on August 17, 1974, though the Yukon Territory is to be separate and administered from Whitehorse. It is hoped that the move to a northern location will have the added effect of improving the morale among members of the division.

The recruitment of members for northern duty is based on a joint decision by the staffing branch in Ottawa and staff personnel of the division. Members volunteer for a three-year term of northern service, and with the scarcity of accommodations in the North, members are required not to marry during the initial two years. Upon his completion of the three years, a member has the option to remain in the North, subject to a decision by the Force. However, in the words of one officer, "if the man is not suitable for northern service, the Force can weed him out".

With respect to the criteria of selection, a matter to be more fully discussed elsewhere within the study, the Force desires individuals who are tolerant, have an appreciation of different cultural groups, and are able to accept the isolation.

The circumstances in the recruitment of officers is somewhat different. While they do not volunteer for northern service, they have usually indicated an interest in such a placement. Generally, their postings, decided by the Commissioner of the Force, are for a two-year period.

However, recent developments have altered Force policy in the recruitment of members for northern duty. Specifically, there has been a shortage of unmarried members interested in volunteering for northern service. This has resulted in the posting of some recruits direct from basic training (Solicitor-General *Annual Report*, 1968-69).

In discussions with members and officers posted throughout the four sub-divisions of "G" Division, we have ascertained some of the factors that have contributed to the decline in volunteers for northern service. Though we have not ranked these factors in order of their priority in view of their variance among individuals, we cite some of the more frequent responses by members and officers in this regard.

In view of the high cost of northern living, several members felt that the benefits and isolated-post allowance allocated by the Force were not sufficient. Others felt that the level of education for their children was not on a par with southern standards.

Officers, approached about this matter, did not dispute the correlation of social, economic, medical and educational limitations of northern living as factors in the decline in volunteers, but were of the opinion that the underlying cause lay in the changing role of law enforcement in the North. As one officer explained, "the North has become more civilized and as a result, the work (policing) is not much different from the south". This point is supported by a statement in the *Annual Report* of the Solicitor-General, 1968-69, which noted that with the increasing shift in population from camps to the settlements, "policing conditions are thus evolving to the traditional town policing role found on the prairies" (p. 23).

Primarily, the shift in the role of law enforcement in the North stemmed from post World War II developments which gave rise to other federal agencies gradually encompassing the many services initially assigned to the police (Slobodin, 1966). In Slobodin's opinion, the abdication of the non-legal responsibilities resulted in a decline of the Force's personal relationships with the community and in a greater concentration on its policing function.

Inuit have noticed this change in roles. This is indicated by the fact that the traditional meaning of a policeman, in *Inuktitut,* has undergone a change from "someone who helps out" to "one who maintains order".

Though the complexities of law enforcement are examined fully in our analysis of Frobisher Bay, at this point, we shall review some of the issues gleaned from the literature on northern policing, and in particular, community-police relations.

Research conducted by Clairmont (1962, 1963), revealed a general reluctance by indigenous people to bring a complaint to the attention of the police. Though Clairmont (1963) found no evidence of differential enforcement against various ethnic groups, he noted a significant degree of hostility among young natives towards the police. He attributes this hostility, evolving from "a dissatisfaction with the level of participation in the new middle-class way of life", to their perception of the police as the symbol of "the restrictive character of the white middle-class system" (p. 54).

The animosity in police-community relations, to the extent that it exists, is very much the result of the Force's concentration on law enforcement. Previously, we documented the fact that a shift in the role of the police also gave rise to a more impersonal organization in terms of its relationship with the community. With regard to this change in police functions, there is concern expressed by some communities that the Force's policy of frequent rotation of members in northern postings results in a lack of continuity in their law enforcement (Indian-Eskimo Association, N.W.T., 1967). The matter of Force policy on northern cross transfers was defended by Insp. H. T. Nixon, R.C.M.P., in his testimony before the Morrow Inquiry into The Administration of Justice In The Hay River Area, N.W.T., in 1968, on the grounds that failure to do so would result in a familiarity which "is bad in a community when the police might be subject to not doing their job" (Morrow, 1968a, p. 1257).

There are indications that some of the current tensions found in public-police contacts, as well as within the Force itself, will be resolved as the result of an inquiry by a five-man commission, appointed by Solicitor-General Warren Allmand, June 1974, to investigate the internal discipline in the R.C.M.P. and the manner in which it deals with public complaints. Hitherto, there are indications that while the inquiry has received a positive response from within the Force, there has been a noticeable lack of public reaction. The commission's concern for public participation is reflected in their circulation of a notice placed in newspapers throughout the country, including northern weeklies such as the October 30, 1974 issue of *Inukshuk*, the Frobisher Bay weekly, soliciting written submissions from the public in addition to making itself available for public or private meetings. In the words of the commission chairman, Judge René Marin, concerning the task of the inquiry, "we are attempting to arrive at both justice for the Force and justice for the public" (*The Gazette*, Nov. 25, 1974).

Another effort toward improving the Force's relations with the community has been its approval of the position of a liaison officer for the North, commencing April 1, 1975. The function of this officer, who will be based in Yellowknife, will be to travel throughout the Northwest Territories in order to meet, informally or formally, with the settlement councils, indigenous groups, as well as the general public to assess their opinions concerning the present state of law enforcement within their community. Though several persons, within and outside the Force, were of the opinion that the efforts of one person could hardly be expected to penetrate the surface, most agreed that the move was a step in the right direction.

The judiciary

We commence our discussion of the judiciary with a summary of the major developments in its evolution in the Northwest Territories. For this phase in particular, our major source of reference is the research into the constitutional history of the courts in the Northwest Territories by Judge W. G. Morrow in rendering his judgment in the case of the Royal Bank of Canada v. Scott and the Commissioner of the Northwest Territories (Morrow, 1971, p. 491-508). These selected developments in legislation serve as a background to the present circumstances surrounding the courts in the Northwest Territories.

Prior to 1873, the Hudson's Bay Company had almost total jurisdiction over the law and its administration within the Northwest Territories (Morrow, 1971, 1972a). However, legislation passed by the Dominion Government in 1873, authorized the creation of a judiciary with the appointment of stipendiary magistrates to try cases in the Northwest Territories; the same statute also provides for the Commissioner and each superintendent of the newly established North West Mounted Police Force to function, by virtue of their office, as a justice of the peace. According to Morrow (1971), by the passage of the North West Territories Act, 1880, c. 25, lawyers or advocates were appointed as stipendiary magistrates "with the functions of any two Justices of the Peace and sitting with one Justice of the Peace and a jury of six to hear all serious criminal cases" (p. 498).

In essence, Morrow (1972a) stated that until 1955, judicial action for the vast majority of offences that occurred within the Northwest Territories was dispensed by a system of stipendiary magistrates, with the more serious offences, such as homicide, falling within the jurisdiction of one of the judges of a provincial Supreme Court, such as that of Alberta. However, legislation proclaimed on April 1, 1955, replaced the previous system of stipendiary magistrates with the creation of a superior court of record, the Territorial Court, comprising one judge appointed by the Governor in Council (Morrow, 1971). In addition to the establishment of this superior court for the Northwest Territories, Morrow indicated that the Northwest Territories Act also made provision for a system of Police Magistrates and Justices of the Peace. Subsequent Ordinances of the Northwest Territories resulted in some changes in the latter system. Specifically, Chapter 7, An Ordinance Respecting Magistrates and The Magistrate's Court, 1970, changed the name of the Police Magistrate's Court to Magistrate's Court, whereas, Chapter 6, An Ordinance Respecting Justices of the Peace, 1970, discontinued the eligibility of any member of the R.C.M.P. for appointment as a justice of the peace or for any commissioned officer of the force to continue in such a capacity.

According to Morrow (1971), a more significant development during 1970 has been the transfer of the administration of justice to the Territorial Government as a result of amendments in the Yukon Act, the Northwest Territories Act and the Territorial Lands Act. A further change to the judiciary of the Northwest Territories, under the administration of the Department of Public Services, Government of the Northwest Territories, saw the Territorial Court renamed the Supreme Court, effective October 1, 1972.

At this point, we shall examine the different levels within the existing judicial structure separately.

A. The Justice of the Peace Court

With the introduction in 1955 of a system of police magistrates and justices of the peace, members from the communities were gradually appointed as justices of the peace, replacing the Hudson Bay Factors and R.C.M.P. inspectors who had previously functioned in that capacity.

Persons interested in serving as justices of the peace are appointed for a three-year term by the Territorial Government on the recommendation of the R.C.M.P., local administrator and bar association. The Department of Public Services, which is charged with the responsibility for the justices of the peace, processes the application in terms of an evaluation of their performance during their tenure.

In 1973, Parker (1973) stated that there were approximately 70 justices of the peace in the Northwest Territories, of whom 14 were Indians or Inuit. It is interesting to note that while the present policy encourages the appointment of aboriginal people to this post (Morrow, 1973), with the first Inuit appointment coming in 1962, Parker reveals that "formerly, persons of native backgrounds were not appointed justices of the peace" (p. 18).

Justices of the peace under S. 722(1) of the Criminal Code have jurisdiction over minor offences in violation of the Criminal Code, federal statutes, and ordinances of the Northwest Territories, in other words, they hear offences "punishable on summary conviction liable to a fine of not more than five hundred dollars or to imprisonment for six months or to both".

The volume of work conducted at this level is tremendous. For example, the *Annual Report* of the Northwest Territories, 1973, estimated that 65 percent of all criminal cases for that year were disposed of by justices of the peace. A further indication of the scope of their work is reflected in the statistics for 1972. During that year, Parker (1973) states that 3,000 cases were dealt with by justices of the peace resulting in fines for 2,500 persons, imprisonment for 400, with 100 receiving probation.

Upon appointment, the justice of the peace is given a copy of the Criminal Code, a justice of the peace instruction manual, and copies of the Territorial Ordinances. Other than these references, the untrained justice of the peace is left almost entirely on his own resources for competent performance of his duties. Though these individuals are well intentioned, their lack of legal training has received much criticism (Morrow, 1968a, Schmeiser, 1968). As a result, the suggestion was made during testimony before the Morrow Inquiry Into The Administration of Justice, that the sanctioning power of the justices of the peace be reduced so that they cannot sentence to six or even three months' imprisonment. Another suggestion to evolve from the proceedings of the Justice of the Peace Conference in 1968 encouraged justices of the peace to turn over any cases that might involve complex points of law to Magistrate's Court.

One of the major concerns about the justice of the peace court is its interrelationship with the R.C.M.P. The N.W.T. Indian-Eskimo Association (1967), in a brief before Judge Morrow's inquiry into the administration of justice in Hay River, aside from commenting on the disparities in sentencing by justices of the peace, stressed the elimination of the role played by the R.C.M.P. in recommending persons for appointment as justices of the peace. Though police involvement has declined, mainly through a change in legislation passed in 1970, annulling their eligibility and continuance as justices of the peace, the police still retain their dual function as informant in the case and crown prosecutor, as well as acting in a legal resource capacity for the justices of the peace. The lack of legal training has forced a reliance on the police (Morrow, 1968a).

In an effort to provide some training in law, guidelines to sentencing, courtroom procedures, etc., with a view to improving the quality of justice dispensed by the justice of the peace court, magistrates of the Northwest Territories, in 1965, organized the first conference for all justices of the peace, which soon after was to become an annual event. These conferences through the medium of guest speakers, mock trials, and workshops, have increased the competence of the justices of the peace and accordingly, the quality of justice in the Northwest Territories.

The concern shown by the justices of the peace is evident in the resolutions passed during their most recent conference in Yellowknife, April 1974. Significantly, in a move to reduce the disparities in sentencing, it was resolved that the decisions made by the court of appeals be distributed to all justices of the peace for their information. In addition, other resolutions called for the establishment of a full-time salaried justice of the peace in communities where the workload justified such a move, and the appointment of an experienced justice of the peace to act in a resource capacity in assisting newly appointed justices of the peace. Interestingly, the conference featured the formation of an association of justices of the peace in the Northwest Territories.

B. Magistrate's Court

Magistrate's Court, comprising two magistrates trained in law and appointed by the Commissioner of the Northwest Territories, operates as a circuit court throughout the Northwest Territories in addition to hearing cases under its jurisdiction at its judicial seat in Yellowknife (N.W.T. *Annual Report*, 1973; Parker, 1973).

In addition to its jurisdiction in all matters punishable by summary conviction, Parker (1973) indicated that Magistrate's Court has absolute jurisdiction in minor indictable offences such as theft or unlawful possession, jurisdiction with the consent of the accused in more serious matters, such as breaking and entering, and conducts preliminary inquiries on indictable offences to appear before the Judge of the Supreme Court of the Northwest Territories.

The circuit court travels throughout the Northwest Territories, on a scheduled and request basis, as a fully integrated court. In the absence of any legal counsel, court facilities or staff in the communities, Parker (1973) and Morrow (1973) have stated that the Magistrate's Court, as well as the Supreme Court of the Northwest Territories when on circuit, are accompanied by a Crown prosecutor, defence counsel, deputy clerk and court reporter.

Some of the criticisms levelled at the circuit court are the limited time available in a community to permit the accused ample time to confer with his counsel or for the latter to sufficiently prepare his client's defence (Proceedings of the J.P. Conference, 1968). However, with the increasing case load carried by the two magistrates, it appears that this matter will not be resolved to any great extent without the appointment of another magistrate.

C. The Supreme Court of the Northwest Territories

The Supreme Court of the Northwest Territories, functioning also as a circuit court, comprises one judge, appointed by the Federal Government, having an "unlimited jurisdiction to hear civil and criminal cases, sitting with or without a jury" (Parker, 1973, p. 18). The judge of the Supreme Court of the Northwest Territories is also, by virtue of his office, a judge in the Yukon. In addition, under S. 747 of the Criminal Code, the superior court also serves as the court of appeal for summary conviction.

The situation regarding jury development in the Northwest Territories is unique. Previously, we noted that juries comprise six rather than 12 persons. According to Morrow (1973), the logic behind this move is that within small communities it would be difficult as well as disruptive to secure 12 qualified jurors. Women were prohibited from jury duty until 1965, with the first woman juror selected in April 1966 (Morrow, 1970). Furthermore, Morrow (1970, 1972b) noted that the participation of Inuit on juries increased with their fluency in English, with an all Inuit jury being selected on April 1 ,1971.

The principles underlying the administration of justice, dispensed by the Supreme and Magistrate's Courts in the Northwest Territories, evolved from the position taken by the first judge of the Territorial Court, J. H. Sissons. Sissons' (1968) belief that the "proper place for a trial is the place where the offence was committed", wherein "No man shall be condemned except by the judgment of his peers and the law of the land" resulted in the establishment of the circuit court to ensure justice for all throughout the Northwest Territories (p. 76).

The Crown Attorney
While the responsibility for the administration of justice has been transferred to the Territorial Government, Morrow (1973) noted that the function and office of the Attorney General and Crown Prosecutor remained under the jurisdiction of the Federal Government. However, the office of the Crown Attorney and two deputies, all appointed by the Department of Justice, is located in Yellowknife. Aside from their duties in Yellowknife, the Crown Attorney or his deputy accompany Magistrate's and Supreme Courts on circuit throughout the Northwest Territories.

Legal Aid
On August 17, 1971, the Territorial Government entered into an agreement with the Federal Government to establish a legal aid scheme for residents in the Northwest Territories (Legal Aid Committee, 1972a). According to the Committee, the object of this scheme, administered by the Territorial Government and financed jointly with the Federal Government, has been to provide legal counsel and services in criminal and civil matters to those financially unable to retain such services.

Though the agreement marked the formal creation of such a scheme, limited legal aid had been provided previously to those who lacked financial resources, but only in charges of a serious criminal nature. However, this form of legal aid, administered by the Federal Government's Department of Justice, was not applied universally and relied on the *ad hoc* appointment of counsel by Department of Justice officials, the judge or magistrate taking into consideration the gravity of the offence and circumstances of the accused (Legal Aid Committee, 1972a, 1972b; N.W.T. *Annual Report*, 1973).

The development of a legal aid program for the Northwest Territories was the result of criticism about the consequences of the unavailability of legal counsel, particularly for indigenous persons. The Northwest Territories Indian-Eskimo Association (1967), in their brief before Judge Morrow's inquiry into the administration of justice in Hay River, summarized the reasons for the necessity of having a comprehensive legal aid scheme at all levels of courts. In particular, the Association (1967) suggested the incorporation of special services, as part of an effective scheme for legal aid, available at the level of the Justice of the Peace Court, to make native persons more cognizant of the charge, plea options, courtroom procedures and legal terminology, as well as the right to speak in their defence or request legal counsel. This is significant because the present legal aid scheme does not provide for any legal counsel in matters brought before the Justice of the Peace Court, leaving the accused to rely on his own resources.

Under the legal aid agreement, a three-member legal aid committee, based in Yellowknife and comprising a member from the Territorial Government, one from the Territorial Bar, and one from the general public, was appointed to administer the scheme (Legal Aid Committee, 1972a). In addition, the committee stated that persons are selected to function voluntarily as legal aid representatives in the communities, mainly for the purpose of screening applications for assistance and forwarding them to the committee in Yellowknife, in addition to serving as resource persons to those accused. Counsel for the scheme is selected by the committee, generally from law firms located in Yellowknife, with assignments to court duty rotated among them on a weekly basis.

Applications for legal aid may be made through the legal aid representative, if one has been selected within the community, or through the local justice of the peace, R.C.M.P., or clerk of the Magistrate's or Supreme Courts if on circuit in the community, or by telephoning the legal aid committee in Yellowknife.

The legal aid committee, in its *Annual Reports* (1972b, 1972-1973) has cited some of the difficulties impeding the successful implementation of a legal aid program. They are concerned about the limited number of lawyers available, with a concentration in Yellowknife and one in Inuvik, and the vastness of the Northwest Territories making it difficult to coordinate the system; time available to courts on circuit not being sufficient in some cases to permit counsel's adequate preparation for the defence of his client; the system of justice being unfamiliar to many of the native people; and the difficulty in recruiting qualified field representatives, particularly natives, in addition to providing some training and supervision for them.

Interpreter Corps
A recent development in the Northwest Territories has been the Territorial Government's establishment of an interpreter corps, primarily for use within its various departments. The nine members of the corps, each selected for his fluency in one of the prevailing Indian or Inuit dialects as well as in English, completed an eight-month training session in December 1973. Their training, under the Department of Information, was aimed at familiarizing them with all aspects of northern life, government, legal and medical organizations as well as instruction in modern techniques of written and oral translation.

In their training for court work, they were given lectures by the Crown Attorney and members from the bench, enlightening them as to some of the difficulties involved in interpreting legal terms and forms, and participated in mock trials — all geared to familiarize them with the judiciary and its procedures. Their two-week instruction in the administration of justice also included briefings about the role of the police and their various procedures.

The demand for similarly well-trained interpreters has resulted in the recruitment of another five members who began their training course, reduced to five months, during October 1974.

Inuit and the extent of tutelage in law

In our account of the development of the administration of criminal justice in the Northwest Territories, beginning at the turn of the century to modern times, we have attempted to ascertain the effectiveness of the sanctioning agencies in their introduction of the law and the extent of their tutelage in law.

In addition to the role played by the police in the instruction of new law ways, trials before stipendiary magistrates, the forerunner of the Judge of the Territorial Court, provided the members of the bench with the opportunity to familiarize indigenous people with the Canadian system of law. For example, a feature of the trials at Herschel Island of five Inuit charged with murder in 1923, documented in the *Annual Report* of the R.C.M.P. for that year, was the address by the presiding judge to an assembly of Inuit, explaining the proceedings and purpose of the trial, along with the function of the judicial party and jury. Similarly, the same report notes that upon the termination of the first trial of an Inuit, charged with murder at Pond Inlet in the Eastern Arctic in 1923, the judge addressed a gathering of Inuit on the function of the various government agencies, including the police, Canadian law and the penalties for violating it.

During recent times, aside from an attempt by the Territorial or Supreme Court to reconcile traditional law ways with our Canadian system of justice through adjustments in judicial procedures and sentencing, the court has encouraged Inuit to participate in the administration of justice. For example, Judge Sissons (1968) regarded the participation of Inuit on juries as an opportunity for them to learn about our Canadian legal system.

Despite the gradual familiarization of the Inuit with our Canadian legal system, instances of compliance with their traditional normative and reaction system prevailed until the 1960's. For example, Morrow (1970, 1972b) cited the incident, in 1965, of an approved homicide of an insane woman whose actions were threatening the peace and safety of two Inuit families. Detailing this case, he described where, in complete isolation, and unsuccessful in earlier attempts to deter her rampages, the camp reacted with the appointment of two persons for her execution. One of the statements to come out during the subsequent trial aptly revealed the conflict between traditional reaction patterns and modern law ways. Specifically, in reference to the approved homicide, Morrow (1972b) cites the statement of one Inuk who testified that "We know it is wrong by the white man's law but we have our children and must not let them die" (p. 41). A similar incident was recorded at Nettilling, in 1926, of a communal execution of an insane person whose actions had resulted in several murders (R.C.M.P. *Annual Report*, 1929). Furthermore, the report went on to state that no proceedings were instituted, partly because the police felt that "they have taken what course they have thought best to protect the community when one of them has killed a few others and threatens to repeat the act" (p. 87).

Other violations of Canadian law reflective of Inuit compliance with traditional customs or beliefs, now redefined as criminal by the white authorities, concern theft and statutory rape. An assessment by the members on the bench as to the malice intended by persons in such acts, particularly by those unfamiliar with Canadian law, has proved to be a difficult task. For example, Judge Morrow (1972b) has expressed the difficulties in determining punishment for those who allegedly stole food or liquor when considering that the traditional normative system emphasized the communal sharing of food. Furthermore, he stated that in dealing with those accused of statutory rape or having intercourse with a female under 14 years of age, one must consider the fact that traditionally, it was not unusual for a person under 14 to get married.

A. Judicial adjustments in the rules of procedures and sentencing

Magistrate's Court and the Territorial or Supreme Court, in particular, have made a special effort to bridge the gap between traditional and modern law ways through a less rigid application of the rules of procedure and principles of sentencing during their deliberation of judicial measures involving indigenous people. Accordingly, we shall focus on some of the specific principles of law and sentencing that have been modified in consideration of the transition by Inuit to our system of Canadian law.

One of the major difficulties confronting members on the bench has been to ensure the adequate interpretation of abstract legal terms and concepts when translated into the various indigenous dialects (Morrow, 1973; Parker, 1973). One measure cited by Morrow applied to safeguard the rights of the accused, is the appointment, whenever possible or required, of an interpreter for the accused aside from the one already provided by the court. Furthermore, it is anticipated that the recently established interpreter corps will improve the quality of courtroom interpretation.

As we have mentioned elsewhere, there is no word for guilty in *Inuktitut* nor do they have a clear understanding of the concept (Morrow, 1965, 1973; Parker, 1973; Sissons, 1968). Furthermore, Morrow (1968b) as well as the Honigmanns (1965) have indicated that the reaction of an accused Inuit to judicial proceedings was generally characterized by a tendency to withdraw and to avoid contesting the charge or offering any explanation as to the circumstances of the alleged act in his defence.

According to Morrow (1965, 1968b, 1973), the reasons for the frequency with which indigenous people plead guilty have been attributed to their lack of understanding of the proceedings, language difficulties, the desire to please the authorities, and to be finished with the proceedings as quickly as possible.

Contributing to the frequency of guilty pleas has been the established practice by many involved in the administration of justice, particularly by the justices of the peace, to infer a plea of guilt when " 'the Eskimo says he did this' as 'the Eskimo pleads guilty' " (Sissons, 1968, p. 124). As a result, both Sissons and Morrow, as well as magistrates, have been reluctant to accept pleas of guilty entered by Inuit unless they were assured that the accused understood its implication.

It should be noted that another contributing factor to the preponderance of guilty pleas has been the neglect by the prosecution to apply the concept of *mens rea* or to find out whether the accused had any knowledge of the wrongfulness of the alleged act, essential to the determination of guilt. Furthermore, Hayes (1970) in his discussion of Inuit and the law believes that if the element of *mens rea* were applied in accordance with Inuit norms rather than Canadian law, "the Eskimo would not be guilty!" (p. 14).

According to Morrow (1972a, 1973), other examples of the courts' more flexible approach to the rules of procedures were reflected in a more liberal policy in granting bail, even before the Bail Reform Act, less rigid procedures in applications for appeals, as well as the tendency to exclude confessions and admissions brought forward as evidence by the crown, often obtained as a result of the accused's desire to please the police.

With respect to decision-making by the courts, prior to 1955, there were instances where stipendiaries showed leniency in their sentencing of aboriginal people in recognition of their unfamiliarity with Canadian law. For example, though the first trial of two Canadian Inuit for murder, held in Edmonton during August 1917, resulted in a verdict of guilty, Kelly and Kelly (1973) revealed that the sentences of death were commuted to life imprisonment because the actions of the accused were considered to have been committed in ignorance of Canadian Law. Similarly, Steenhoven (1962) cited the trial by a stipendiary magistrate in 1949 of an Inuk, who, while found guilty for assisting in the suicide of his aged and sick mother, upon the recommendation of the jury received a comparatively light sentence in consideration of the fact that his "sense of filial duty and adherence to Eskimo custom led him to contravene the Criminal Code" (p. 125).

In the sentencing of aboriginal people by the Territorial and Supreme Courts, both Judge Sissons (1968) and his successor, Judge Morrow (1967, 1973), adhered to the belief that some special treatment or adjustment was required if injustice was to be avoided. Accordingly, Sissons viewed the adjustments of the superior court as an attempt "to accommodate concepts of right and of justice developed by another culture" (p. 123) or in Morrow's words (1967), as a buffer to "the conflict between the modern legislation and laws, and the native custom and habit" (p. 257) incurred during their transition from a traditional indigenous culture to a Euro-Canadian one.

Morrow (1967, 1972a, 1973) noted that some of the modifications in the sentencing of indigenous persons are an extended use of non-institutional sentences and shorter prison sentences for Inuit to take into account their shorter life span, as well as reduced sentences to avoid sending northerners to a southern penitentiary. Furthermore, in his study conducted in 1970, he found that white juries tended to react more leniently toward a native accused in situations stemming from the conflict involved in their transition from an indigenous to a Euro-Canadian culture.

B. Evaluation of the introduction of the law and administration of criminal justice in the Northwest Territories

In an evaluation of the roles played by the enforcement and judicial agencies in the introduction of the law and the administration of criminal justice, we shall conclude with some of the impressions and deductions of other researchers who focused on this issue. In reference to the enforcement of the criminal law by the police, Steenhoven (1962) praises the Force for their discretion among Inuit in avoiding the application of the full rigour of the law. As to judicial reaction, he clearly points out the dilemma confronting the courts in their decision-making — how "to reconcile the formal provisions of the law with the local situation and feelings" (p. 124).

To some extent, the decisions of the superior court in the Northwest Territories have demonstrated an accommodation to indigenous cultures through varying adjustments in the rules of procedures and sentencing. Schmeiser's (1968) discussion of the application of Canadian law among indigenous people seems to support the guidelines set forth by Judge Sissons, that the equal application of the law is unrealistic when applied to those "who are unequal in condition and opportunity" (p. 19).

However, despite the discretion exercised by the police and courts in refraining from applying the full rigour of the law when dealing with aboriginal people, it is the opinion of the Honigmanns (1965) that their tutelage in law or sanctioning among Inuit has been neither detailed nor even. For example, they indicated that Inuit may have been informed as to the proper decorum in a court of law, but not of their legal rights.

Research conducted by the Honigmanns (1965, 1970) in Frobisher Bay and Inuvik has indicated that Inuit generally avoid bringing cases before the courts as a means of conflict resolution. Significantly, other research has revealed that indigenous groups do not identify with the morality of certain Canadian laws (Ervin, 1968), nor with the legal order, nor understand the logic of the law (Clairmont, 1962). It is the opinion of Schuurman (1967) that the internalization of the principle of law among Inuit necessitates a shift in focus towards "the generality of mankind rather than man as circumscribed by a particular situation and at a particular time" (p. 44).

Several measures have been taken to improve the current understanding of law and the quality of the administration of criminal justice in the Northwest Territories. The establishment of a legal aid program in 1971, the circulation of the publication *Justice in the North* (Information Canada, 1972), in *Inuktitut* as well as English explaining the law and function of the administration of justice, the plans by the Inuit Tapirisat of Canada (Eskimo Brotherhood) to circulate a publication in *Inuktitut* on *Inuit and the law* and to establish a community legal service centre in Frobisher Bay, are just some of the recent steps to correct the imbalance, or what the N.W.T. Indian-Eskimo Association (1967) has described as "a cumulative sense of injustice" (p. 2).

Corrections services in the Northwest Territories

The corrections program, administered by the Department of Social Development, comprises probation, institutional and after-care services, in addition to its function as representative for the National Parole Service. In our subsequent discussion, we shall summarize the growth and extent of these services.

With respect to non-institutional services, the *Annual Report* of the N.W.T. Corrections Service, 1969, states that probation services were established in the Northwest Territories in September 1966. Furthermore, the report mentions that the absence of pre-existing services for probation supervision necessitated the encouragement of, and orientation toward, the option of probation in sentencing within the Magistrate's and Territorial Courts. Aside from the gradual development of this service through the appointment of probation officers in the various communities, Section 10 of An Ordinance Respecting Correctional Services, 1973, permits the appointment of a person to act as a voluntary probation officer.

Prior to the establishment of an institution for adult offenders in Yellowknife, offenders with sentences up to six months were incarcerated in Fort Smith (McClelland, 1973), while those with longer sentences, of two years or more, were incarcerated in southern institutions such as the Prince Albert Penitentiary (Morrow, 1968a). However, testimony before the Morrow Inquiry revealed that placement was generally dependent on the closest southern facility available, where, for example, an offender from Frobisher Bay, sentenced to two or more years, would be incarcerated in an institution in Quebec.

A correctional centre for offenders in the Northwest Territories was opened in Yellowknife on February 20th, 1967. While the major responsibility of the institution was the custody of the offender, its first objective was his rehabilitation. However, McReynolds (1971), in his study of the Yellowknife Correctional Centre, was of the opinion that its present program had not been very successful in the rehabilitation of the offender. Furthermore, in a later study (McReynolds 1972), he stated that the dislocation of offenders from their home communities, particularly the disorientation suffered by Inuit offenders from the Eastern Arctic, has been a significant factor in impeding institutional efforts in treatment.

Accordingly, there has been a recent move by the corrections service toward the decentralization of its institutional services. Toward this end, the Department of Social Development has approved the establishment of regional correctional facilities in Frobisher Bay, Hay River and Inuvik, permitting the offender to serve his sentence in proximity to his home community, while the Yellowknife Correctional Centre will be used for those serving longer sentences including those over two years. The plans for two of these centres have materialized with the opening on April 15, 1974, of the Baffin Correctional Centre, *Ikajurtauvik (Inuktitut* for a place where help is received) in Frobisher Bay, and in November 1974, of the South Mackenzie Correctional Centre in Hay River, with a centre planned for Inuvik, perhaps by 1975.

Structural as well as legislative changes have further altered the character of the Yellowknife Correctional Centre. Structurally, the Correctional Camp, a part of the Yellowknife Correctional Centre, was closed in August 1973 and its services incorporated into the Centre. However, the significant development was in the passage of An Ordinance Respecting Correctional Services, 1973, which authorizes the Yellowknife Correctional Centre, by individual arrangement, to retain offenders, subject to their suitability for the program, whose sentences previously warranted their incarceration in a penitentiary outside the Northwest Territories.

Regarding parole, the Territorial Parole Board, under Section 43(1) of An Ordinance Respecting Correctional Services, 1973, has jurisdiction over parole applications from those serving sentences in violation of an Ordinance of the Northwest Territories. However, the Territorial Government, in its presentation before the Federal-Provincial Conference on Corrections, held in Ottawa, December 1973, indicated the desire for an increase in responsibility for the Territorial Parole Board enabling it "to grant paroles to all offenders serving sentences under" its "jurisdiction" (p. 35).

Another major development has been the authorization by Section 6 of the above mentioned ordinance calling for the appointment of a six-member Justice and Corrections Advisory Committee to advise and make recommendations to the Commissioner on the administration of criminal justice in the Northwest Territories.

While we have focused on the services pertaining to adults, persons 16 years of age and over, we would like to mention briefly the extent of services for juveniles in the Northwest Territories. During 1973, the only facility for juveniles found by the court to require placement in a closed milieu, the Juvenile Training Centre in Fort Smith, was transformed into a short term inter-regional children's treatment facility. However, the major concern expressed by the Department of Social Development during a Federal-Provincial Conference in 1973 was the inadequacy of programs and resources in the Northwest Territories for the effective treatment of young offenders between 14 and 18 years of age.

The Erosion of the Traditional Forms of Social Control

Our present discussion will focus on the impact of the post World War II settlement of Euro-Canadians in the North in terms of its disruptive effect upon the traditional Inuit forms of social control.

During the late 1950's and 1960's, there was an unprecedented immigration of Inuit from small isolated camps to semi-urban communities, such as Frobisher Bay and Inuvik, to benefit from the greater opportunities for wage employment, and the existing educational, medical and social services (Graburn, 1963; Jenness, 1964). However, according to Graburn, rather than an improvement in the quality of life, the unforeseen growth in the population of Frobisher Bay gave rise to such problems as housing, employment and social control. Furthermore, Jenness as well as Smith (1971) and Vallee (1962) have indicated that the caste structure of the white dominated communities, with Inuit relegated to an inferior status and denied full partnership in the socio-economic structure of the community, only accentuated the feelings of frustration and hostility of Inuit toward the new way of life.

The Inuit's increased contact with Euro-Canadian culture through their immigration to white dominated communities has led to a significant breakdown of traditional family and village control (Cavan and Cavan, 1968; Graburn, 1963). Traditional reactions to conflict, such as withdrawal (Schuurman, 1967) or public opinion, (Chance, 1966) are ineffective in a semi-urban and southern oriented milieu. The erosion of the previous means of social control can be attributed to the very aspects that distinguish town from camp life, such as the decline in people's dependency on one another (Chance, 1966), a larger and less homogeneous population (Vallee, 1962), and what Goldschmidt (1956) views as a general demise of primary relationships.

One of the major problems to evolve from the strains of Inuit adaptation to Euro-Canadian culture has been the decline in parental control. Several researchers (Cavan, 1968; Chance, 1966; Ferguson, 1961; Schuurman, 1967) have attributed this to a shift in dependency by the young from the father, from whom they acquired skills for subsistence on the land, to wage labour, resulting in their greater independence from the family and its control. Furthermore, these researchers as well as the N.W.T. Indian-Eskimo Association (1967), have indicated that parental control is undermined by the socialization of Inuit children into the white culture through the schools, churches, social centres, etc., resulting in their growing alienation from the traditional value orientations of their families. In Schuurman's opinion, these factors have contributed to a disorganization among some families characterized by the rejection of parental authority and a decline in traditional family solidarity.

The Emergence of New Patterns in Deviance

We shall now focus on the emergence of new patterns in deviance, a negative response by some Inuit to the strains of adaptation, during a time of accelerated change to a more dominant white, southern oriented culture.

Prior to the 1960's, Morrow (1970, 1972b) indicated that the majority of incidents involving Inuit, such as homicides, assaults, infanticides, etc., that warranted the intervention of the agents of law enforcement and the administration of criminal justice as a result of their redefinition of these acts as criminal, were congruent with the traditional Inuit normative and reaction system. However, the significant increase of southern involvement in northern affairs and development after World War II had a monumental effect in altering the complexion of the traditional life styles of the aboriginal people, as well as contributing to the emergence of new patterns in deviance in reaction to changing sources of conflict.

The 1960's have seen a dramatic rise in violations of the Criminal Code, federal statutes, and territorial ordinances in the Northwest Territories, with offences against the Liquor and Motor Vehicle Ordinances, according to Jubinville (1971), comprising approximately 50 percent of the total. Aside from the predominance of violations of the Liquor Ordinance (the Honigmanns, 1965; R.C.M.P. *Annual Report,* 1962; Slobodin, 1966), liquor has been a contributing factor in offences against the Criminal Code, such as rape or attempted rape, indecent assault (Morrow, 1970); assault, breaking and entering and petty theft (R.C.M.P. *Annual Report,* 1966; Solicitor-General *Annual Report,* 1968/69). In addition to an increase in liquor violations, offences against the person, mostly within the family unit (McReynolds, 1972), and property offences, the *Annual Report* by the Solicitor-General for 1970/71 cites the emergence in the Northwest Territories of the non-medical use of drugs, particularly in the larger northern communities.

However, it is essential to realize that the more serious offences such as murder, manslaughter, rape, assault and robbery comprise only a small portion of the total number of offences committed in the Northwest Territories. For example, Jubinville (1971), in an evaluation of the extent and characteristics of crime in the Northwest Territories, estimated this portion to be between 10 and 15 percent of the total number of offences for 1968. Furthermore, in a comparison of the rates in crime between the Northwest Territories and the rest of Canada for the year 1968, he ascertained that the rate for all offences — except for municipal by-laws — was five times greater than for Canada with a rate for serious offences only two times greater, for assaults, not indecent, seven and a half times greater than for Canada, while rates for theft resembled those in the rest of the country. However, Jubinville suggests that perhaps these higher rates of crime in the Territories may be reflective of a greater efficiency in detection in small and isolated northern communities, plus the distortion arising from the comparison of small figures, as in the case of serious offences.

Nevertheless, in marked contrast to earlier days, the rising incidence during the 1960's and 1970's of assaultive behaviour within the family and property offences, usually committed while in a state of intoxication, reflects the emergence of the new patterns and extent of deviance among indigenous people. Furthermore, immigration by aboriginal people to the semi-urban centres has seen the emergence of a deviant sub-culture comprising indigenous youths, ranging from 16-29 years of age, introduced to deviant behaviour by the bars and street-corner groups (Cavan and Cavan, 1968; Clairmont, 1963). According to Cavan and Clairmont, the type of delinquency engaged in by members of these unorganized street-corner groups or bands of youth, which bear some resemblance to the southern urban gang structure where status is measured in terms of drinking, physical and sexual prowess, encompasses violations of the Liquor Ordinance, disorderly conduct, assaults and theft. Furthermore, Cavan and Cavan as well as the Honigmanns (1965, 1970) have ascertained that Inuit females have increasingly come to the attention of the authorities for disorderly conduct, public drunkenness, or sexual deviance.

The recent trends in deviance, along with the development of a delinquent sub-culture, have partially evolved out of the strain experienced by Inuit in a semi-urban setting, in adapting to the unfamiliar value orientations and structure of the more dominant Euro-Canadian culture. Cavan and Cavan (1968), Clairmont (1963), and Jenness (1964) have indicated that one of the major sources of conflict to emerge from the interface of Inuit and Euro-Canadian culture stems from the resentment and rebellion of Inuit, especially the younger element, against their being denied the legitimate means to participate more fully in the socio-economic structure of the white dominated communities. Accordingly, in Clairmont's opinion, the emergence of a deviant sub-culture, providing alternative criteria for prestige and self-esteem, can be interpreted as a negative response or adaptation to their being prevented from achieving the accepted white middle class goals. Furthermore, Cavan and Cavan (1968), as well as Vallee (1962), stated that the traditional parental and village authority to control deviant behaviour has been reduced through the emulation by some Inuit of the negative behaviour exhibited by those white transients, who are themselves unable to rise in the socio-economic hierarchy.

The Consequences of Alcohol Abuse and Reactions to the Problem

We shall conclude the chapter with a discussion of the legalization of alcohol among indigenous people, the consequences of its abuse and reactions to the problem. Our description of the socio-legal structure of the Northwest Territories and the strains of adaptation due to the interface of conflicting value systems would be incomplete without some comments on the destructive nature of the excessive and hazardous use of alcohol, and government- community reactions to the problem.

Historically, the N.W.T. Liquor Board Inquiry (1969), stated that alcohol was first introduced to the indigenous population in the Northwest Territories in 1771 by the fur-trading and whaling companies. Whereas whalers operating in the Eastern Arctic tended to restrict alcohol to their own use, in the Western Arctic they distributed it and even taught Inuit how to make home brew (Jenness, 1964). According to Jenness, the consequences of the whalers' sexual as well as economic exploitation of the indigenous people, combined with the indiscriminate distribution of alcohol, particularly at Herschel Island and in the Mackenzie Delta during the late 1800's, precipitating uncontrolled drunkenness, violence and murder, along with outbreaks of syphilis and other previously unknown diseases, drastically reduced the indigenous population in that region.

While the importation of liquor into the Territories was prohibited, in 1932 legislation was passed providing for a two gallon ration for medicinal purposes to white permit holders, with its distribution to Indians or Inuit strictly forbidden (Jenness, 1964; N.W.T. Liquor Board Inquiry, 1969). However, Jenness goes on to state that this discrimination in the Northwest Territories, resented by several indigenous groups, was ended in July 1, 1958, by a proclamation by the Governor-in-Council permitting Indians to consume liquor in licensed premises, and another, in January, 1959, extending full liquor privileges to both Indians and Inuit in the Northwest Territories.

In recent years, several amendments to the N.W.T. Liquor Ordinance have changed enforcement and sentencing policies. For example, the legal drinking age in the Northwest Territories, initially set at 21,

upon the recommendation of the N.W.T. Liquor Board Inquiry, (1969), was amended in 1970 to 19 years of age. Another recommendation by the N.W.T. Liquor Board Inquiry, (1969), similarly incorporated into the Liquor Ordinance, 1970, (2nd), C. 12 was the removal of prosecution for the offence of public drunkenness except with the approval of the Commissioner. However, the N.W.T. Liquor Board Inquiry (1969) advised against the transference of intoxication from its criminal-legal to a medical-social context until adequate detoxification, diagnostic and treatment centres are provided. Finally, in an effort to standardize the sentencing of those charged with underage drinking, Section 85 (1) of the N.W.T. Liquor Ordinance, passed on February 9, 1973, established that penalties for the offence were not to exceed $25 or seven days imprisonment, or both.

In our discussion of the emergence of new patterns in deviance, it became evident that the majority of incidents coming to the attention of the agencies of socio-legal control reveal a significant correlation between excessive and hazardous patterns of drinking among Indians and Inuit, or what Wacko (1973) has categorized as "hazardous cultural drinkers" (p. 9), and a pre-condition to the initiation of, or participation in, deviant behaviour. Furthermore, aside from the criminogenic role of alcohol abuse, in Wacko's opinion, this type of excessive drinking of alcohol when available has negative socio-medico-economic consequences manifested in child neglect, deaths due to injuries, accidents and violence, and loss of employment, etc.

In a discussion as to the causes of death in the Northwest Territories, the *Report on Health Conditions in the Northwest Territories 1971*, notes that deaths from accidents, injuries and violence constitute the major portion of the total deaths, and the association of alcohol consumption in this category has been estimated at between 40 and 50 percent of the total. Table 1, compiled from statistics provided by the Department of National Health and Welfare, illustrates the trends in deaths from accidents, injuries and violence in the Northwest Territories over a five year period, 1969-1973.

The table reveals a gradual increase over a five year period in the percentage of deaths from accidents, injuries and violence out of the total number of deaths in the Territories, with a low of 26.1 percent for 1969 to a high of 37.4 percent for 1973. It is interesting to note that while the annual percent of increase in deaths from accidents, injuries and violence has declined from a maximum of 18.6 percent in 1971 over 1970, to a low of 2.7 percent in 1973 over 1972, the percentage this category comprises of the total number of deaths in the Territories has continued to rise annually. Accordingly, while an improvement in the quality of medical care in the Northwest Territories contributes to the gradual decline in the number of deaths caused by diseases of infancy, etc., the number of deaths from accidents, injuries and violence, aside from its annual increase in terms of the percentage of total deaths, tends to remain relatively constant, with just minimal annual increases. Finally, the number of deaths from accidents, injuries and violence increased 40 percent between 1969 and 1973.

Table 1

Deaths from Accidents, Injuries, Violence, in the Northwest Territories, 1969-1973

Year	Number	Percentage of total deaths	Percent change over 1969	Annual percent change
1969	55	26.1	100.0	
1970	59	31.9	+ 7.3	+ 7.3
1971	70	33.2	+27.3	+18.6
1972	75	32.2	+36.4	+ 7.1
1973	77	37.4	+40.0	+ 2.7

In recognition of the pervasive and destructive nature of the abuse of alcohol in the Northwest Territories, the Territorial Government engaged W. Wacko, a well known alcohol and drug consultant, to examine the problem and make recommendations toward its control and prevention. The observations and subsequent recommendations enunciated by Wacko (1973), focus on the following three areas of concern:

1. Availability of alcohol by means and circumstances that were not in keeping with desired community goals or Territorial ordinances.

2. Lack of co-ordination of Government policies and services as they pertain directly to the use and abuse of alcoholic beverages.

3. Lack of effective treatment, public information and training programs (p. 21).

The majority of Wacko's recommendations have been approved by the Territorial Council, such as the creation in April 1974 of a division for Alcohol and Drug Education in the Department of Social Development, responsible for the effective dissemination of public information on the abuse of alcohol and drugs. At the same time, the Alcohol and Drug Co-ordinating Council was established, membership including citizens, native organizations and other agencies, responsible for the co-ordination of the services of social, legal, medical and other agencies related to the distribution of alcohol and the problems involved, as well as acting as an advisory board to the Alcohol and Drug Program regarding alcohol grants to communities.

In addition to government action, events during 1973 and 1974 have resulted in the evolution of community action, demanding an increase in local control over the purchase, transport, and consumption of alcohol, in an effort to halt the destruction of aboriginal peoples and their culture, caused by alcohol abuse. This desire has been manifested by the resolutions passed by the various local and regional workshops or conferences on alcohol called by Indians and Inuit. For example, Cooke (1974) stated that one of the recommendations of a series of workshops from September 1973 to April 1974, sponsored by the Indian Brotherhood, was that liquor outlets should be owned and operated by the communities themselves. Similarly, one of the resolutions passed by Baffin Inuit delegates attending the First Annual Baffin Regional Conference On Alcohol, held in Pangnirtung in October 1973, insisted that each community be given the right to decide the desired level of restrictions on the purchase, sale or consumption of alcohol. While in Yellowknife, the efforts of the Committee of Concern were instrumental in the establishment of a Detoxification Centre, in operation by December 1973. Another example of community action occurred in Rankin Inlet, where, in October 1973, the people voted against the establishment of licensed liquor premises in the community (*News of the North,* Oct. 17/73).

Some of the other recommendations evolving from the various workshops and conferences focus on an increase of native involvement in alcohol programs, an increase of the legal drinking age to 21 years, the translation of the Alcohol Education comic, Captain Al Cohol, into *Inuktitut* (Horn, 1974), the establishment of native oriented and operated rehabilitation centres, as well as the local employment of night watchmen responsible for the safety of intoxicated persons and the community, as well as the enforcement of curfews (Cooke, 1974).

We have devoted this chapter, a chronicle of the development of socio-legal structures in the Northwest Territories and an examination of some of the strains of adaptation incurred by aboriginal people, particularly Inuit, in a time of accelerated change, to serve as a frame of reference for our contemporary analysis of the Eastern Arctic community of Frobisher Bay. The following chapter will describe the method of research conducted in the setting of Frobisher Bay.

Chapter Two

The Methodology and Setting of the Research

The Methodology of the Research

The following discussion concerns the strategies and limitations of fieldwork over a two year period, 1972 to 1974, conducted in the community of Frobisher Bay. The object of these strategies has been to gather qualitative material and data for our socio-legal analysis of the setting. Aside from a description of the scope of the research, our comments on the difficulties experienced while in the field are followed by those on the shortcomings in existing designs for northern research.

The scope of the research

Research conducted in Frobisher Bay can be divided into two distinct phases, differing in time, focus and techniques. Accordingly, each of the two phases of the research will be discussed individually.

A. Phase I

Qualitative material for the first phase was obtained during a three month period of fieldwork in Frobisher Bay during the summer of 1972. The initial phase of the research, exploratory in nature, endeavoured to focus on those issues within the community that were reflective or indicative of the strains of adaptation evolving from the interface of Inuit and Euro-Canadian cultures. Aside from its concentration on the administration of criminal justice, the preliminary inquiry probed the community facilities, the state of health, welfare, wage labour, government, education and the influence of the church.

During this period, participant observation was the principle method utilized to gather qualitative material. However, we must qualify the term, for our participatory role was generally passive or limited, and more akin to that of a known observer or what Worsley *et al.* (1970) have termed an "overt participant observer". No efforts were made to conceal the identity of the researcher or his purpose. In fact, prior to the research, the Inuit Tapirisat of Canada, the Hamlet Council of Frobisher Bay, the R.C.M.P., and the regional director were informed of the research, and while in the field, aside from presentations to the various agencies, briefs were made before the Hamlet Council and on the local radio station. Accordingly, unrestricted by any other employment or role essential to the concealment of identity for purposes of covert operations, the researcher was relatively free to move about the community.

In conjunction with the known observer technique, the researcher frequently resorted to casual interviewing or questioning of those around him to explain any facet of the local situation. Thus, to obtain an overview of community structure and issues, the techniques of overt participation and casual interviewing were used during the major portion of the preliminary phase.

In order to obtain some insight into the phenomenon of deviance and socio-legal control, observations were made while accompanying members of the R.C.M.P. from the Frobisher Bay Detachment in the performance of their duties, such as car or foot patrols, investigations, arrests, court duty. In addition, R.C.M.P. officers from the Frobisher Bay Sub-Division were accompanied on their routine flights to visit their outlying detachments in the various settlements throughout the Eastern and High Arctic. Regarding the courts, observations were made of the proceedings of the local Justice of the Peace and circuit Magistrate's Courts. Throughout this time, informal discussions were held with R.C.M.P. members and officers, special constables and guards, justices of the peace, the legal aid representative, the magistrate, Crown and defence counsels, and the probation officer to further enlighten the researcher as to the issues involved in socio-legal control.

With respect to ascertaining the activities of those engaged in deviant behaviour, besides observing their varying contact with the aforementioned socio-legal agencies, the researcher frequented local drinking establishments and clubs, and other public or private places likely to provide an opportunity for observation and interaction.

Similarly, while ascertaining through observation and casual interviews the state of commercial enterprises, recreation, health, housing, social services, employment, federal, territorial and hamlet governments, education, and the church, we were able to obtain an overview of the community of Frobisher Bay and put into perspective the strains felt by Inuit in their adaptation to town life.

Toward the end of the second month, we reached a crucial point in the exploratory research. Specifically, certain questions concerning deviance and socio-legal control that arose warranted closer examination. Accordingly, the technique of unstructured or intensive interviewing, a guided conversation with no fixed questions, was utilized during the final month. The object of this method, aptly described by Lofland (1971), is "to elicit from the interviewee what he considers to be important questions relative to a given topic, his descriptions of some situation being explored" (p. 76).

Thus, the first phase of the exploratory research terminated with unstructured interviews, generally on an individual rather than a group basis, with members and officers of the police, justices of the peace, legal aid representative, social workers, medical staff, teachers, hostel personnel and offenders, as well as residents in the community, to learn their concerns, impressions or interpretations regarding deviance and socio-legal control. The results of this preliminary stage in the research have been documented by Finkler and Parizeau (1973) in the report entitled, *Deviance and Social Control: Manifestations, Tensions and Conflict in Frobisher Bay.*

B. Phase II

Qualitative material, as well as data, was obtained during the second phase in the field, extending over an eleven-week period during the winter of 1974. Judicial and correctional dossiers, as well as material gleaned from casual and 65 intensive unstructured interviews, were the sources for our analysis of Inuit and the administration of criminal justice in the Northwest Territories, focusing on the situation in Frobisher Bay. Before discussing the details of fieldwork conducted in Yellowknife and Frobisher Bay, we shall explain the rationale for the use of official records, the files maintained by the agencies of socio-legal control, and the revision of our initial design.

To ascertain the scope of the reaction and sanction systems, it was our intention to determine the number of offences known or reported to the police and those subsequently brought to the attention of those engaged in socio-legal control in Frobisher Bay for a one year period, from January 1, 1972 to December 31, 1972. We adopted this design because otherwise, as Jubinville (1971) stated:

There appears to be no way of following a case through the whole criminal justice system i.e., it is impossible to know whether the offence for which charges have been laid by the police are, for a given period of time, the same as those cases reported disposed of by the courts (p. 49).

Accordingly, through the examination of complaints known or reported to the police, the evaluation of judicial files of cases brought before the Justice of the Peace, Magistrate's and Supreme Courts, and correctional files at the Yellowknife Correctional Centre and Probation Service in Frobisher Bay, our study of deviance proposed to evaluate the administration of criminal justice in a more effective manner by illustrating the processing of complaints up to the initiation of judicial proceedings, and a follow-up of the accused through the criminal justice sytem.

However, at the time of entry into the field in the winter of 1974, upon the assurance that the confidentiality of the identity of those cited in the dossiers would be respected, authorization had been received to examine the dossiers of cases before the judiciary, correctional files, but not the files kept at the local R.C.M.P. detachment in Frobisher Bay. Since the date for the fieldwork had already been advanced several times, we resigned ourselves solely to an evaluation of all cases from Frobisher Bay coming to the attention of all levels of the judiciary and corrections for the year 1972. In August 1974, permission to examine R.C.M.P. files, for the purposes of our research, was authorized by the Solicitor-General, the Honourable Warren Allmand, in consultation with the Honourable Otto E. Lang, Minister of Justice. However, at that time, the research had progressed to the stage of data processing, making it impossible to alter the design without beginning anew. The delay was attributed to the scrutiny required, before any authorization could be made, to ensure that the research would not jeopardize the confidentiality of police records, particularly in a small community such as Frobisher Bay. Another problem regarding the use of police records for the purposes of research is that all files regarding violations or matters under the Territorial Ordinances for any year are destroyed one year later, and files concerning federal statutes or Criminal Code offences are destroyed after a three year holding period.

Before we describe the specifics of fieldwork in Yellowknife and Frobisher Bay, we wish to point out that the major emphasis of this phase in the research was on the study of the criminal justice system through a qualitative examination of the functioning and decision-making of those engaged in socio-legal control, and the reactions of Inuit to them.

1. Yellowknife

Our fieldwork in Yellowknife extended over a six-week period, from the end of January to the beginning of March 1974. The logic behind our selection of Yellowknife, the capital and administrative centre for the Territorial Government, was that it is the seat of the administration of criminal justice in the Territories. Specifically, Magistrate's and the Supreme (N.W.T.) Courts, the Crown and defence attorneys, the legal aid committee, social and corrections services, as well as the Yellowknife Correctional Centre, and more recently, 'G' Division of the R.C.M.P., are based in the capital. Accordingly, fieldwork in Yellowknife served as an appropriate setting to make observations and gather data, as well as conduct interviews toward an overview of the administration of criminal justice in the Territories, and in particular, an insight into the decision-making process.

For our analysis of the justice system, we began with the collection of data from judicial files kept at the Office of the Clerk of the Court, for all cases comprising violations committed under the Territorial Ordinances, Federal Statutes and Criminal Code, in Frobisher Bay during 1972, that subsequently appeared before the Justice of the Peace, Magistrate's and Supreme Courts. Specifically, from these dossiers, we attempted to gather the social characteristics of the accused such as age, sex, racial group, etc., details of the offence and court proceedings, such as the nature of the plea, presence of defence counsel, the verdict, details of sentencing — whether there was an appeal, etc. — as well as to determine whether the offender had a criminal record. Correctional files were examined of those individuals from Frobisher Bay sentenced to the Yellowknife Correctional Centre for offences committed during 1972. From these files, we endeavoured to ascertain the behaviour of the accused, his treatment plan and prognosis as a result of his incarceration at the Yellowknife Correctional Centre. Gaps in the social variables of individuals, such as age, were completed

wherever possible in consultation with records at the Territorial Office of Vital Statistics in Yellowknife.

Aside from our involvement in data collection, observations were made in the same manner as that described for the first phase of the research i.e., the known observer technique: accompanying the R.C.M.P. in the performance of their duties, observing the proceedings of Magistrate's and the Supreme Courts, as well as accompanying Judge W. G. Morrow on a circuit of the Supreme Court to Inuvik, Ft. MacPherson and Whitehorse in the Yukon. In addition, observations were made, over a two-week period, of the situation in the Yellowknife Correctional Centre, particularly regarding policies concerning Inuit inmates from the Eastern Arctic and their reaction to these policies as well as to their incarceration.

Aside from the use of observation to obtain material for our research, we made frequent use of the technique of casual interviewing to further our knowledge about any facet pertaining to our inquiry, and conducted 28 intensive but unstructured interviews. Those interviewed included members and officers of the R.C.M.P., the judiciary as well as court staff, Crown and defence attorneys, legal aid staff and representatives, staff and inmates at the Yellowknife Correctional Centre, social development personnel involved in alcohol education as well as those in corrections, personnel at the N.W.T. Liquor Control System, staff at the detoxification centre, and those responsible for the interpreter corps. These interviews contributed significantly toward illustrating, in a socio-legal context, the factors involved in decision-making and their consequences.

2. Frobisher Bay

Following our stay in Yellowknife, we proceeded to Frobisher Bay to conduct the second stage of the research, extending over a five-week period, beginning in March to the first week in April, 1974. Our object was to study Inuit in relation to the administration of criminal justice in Frobisher Bay.

First, we completed our data collection with the examination of all cases placed on probation for offences committed during 1972. Blanks in the social variables for various individuals were completed through consultation of the lists of patients compiled by the Department of National Health and Welfare. The purpose of our examination was to ascertain Inuit reaction to probation services.

Secondly, observations were made of the proceedings of the Justice of the Peace and circuit Magistrate's Courts, the recently established correctional centre, *Ikajurtauvik*, as well as through immersion in the community life of the setting. Finally, aside from the numerous casual interviews, thirty-five intensive but unstructured interviews were conducted among members and officers of the R.C.M.P., the local judiciary, the legal aid field representative, interpreters, social workers and corrections staff, members (inmates) of *Ikajurtauvik*, those presently or previously involved in deviant behaviour, medical and government personnel, persons involved in the news media, the representative for Inuit Tapirisat of Canada, as well as local and territorial councillors.

C. Addendum

In addition to the two major entries into the field, we were able to keep abreast of the latest developments through a series of short term visits to Frobisher Bay. Specifically, we made an informal visit to the community for three weeks from December 1972 to the beginning of January 1973, and one for five days in February 1973. In addition, as a member of the research staff at the International Centre for Comparative Criminology, we participated in the Centre's Second Arctic Seminar, pertaining to issues in comparative socio-legal research in circumpolar countries, held in Frobisher Bay at the end of August 1974. Finally, we attended the Second Annual Baffin Regional Conference On Alcohol Problems, November 4th to the 8th, 1974, held in Frobisher Bay.

The value in these formal and informal visits is that they enabled us to maintain our contact with the residents and keep abreast of the latest developments affecting the community, as well as to verify the reliability of previous observations and impressions. In conclusion, material and data for this research, over a two and one-half year period, were obtained, as the techniques dictated, from two major entries as well as several short term visits in the field. Our subsequent discussion will focus on the difficulties or limitations encountered during the fieldwork in terms of their influence on the scope and reliability of the data and material gleaned during the research.

Difficulties in the field

Generally, it can be stated that the quality of the findings, as far as an exploratory study is concerned, is satisfactory, providing an overview of Inuit and the administration of criminal justice. While it was difficult to ensure that all groups studied were representative of the global scene, we can say that the small size of the community enabled us to conduct an exhaustive study of almost all of those engaged in socio-legal control. However, we can not conclude that our survey of the members of the community, including those engaged in deviant behaviour, was representative of the views of the entire community or deviant subculture because of certain limitations which restricted our access to them. Though it is difficult to ascertain the degree of validity of the findings, with limited time available in which to be cognizant of, as well as verify, all the events, issues and changes that occurred in the community, we feel that they are relatively consistent, having been corroborated by the various value groups in the community over a period of time.

However, we stress that any evaluation of the quality of the findings must take into consideration their dependence on the role allocated to the observer by the community and their reactions to him, as well as the subjectivity of the observer affecting his interpretation of events occurring in the field. Naturally, the relevance of the processes and dynamics involved in the observer's entry and acceptance in the field are factors to be considered in any assessment of the findings. Prior to our discussion of the relationship of difficulties encountered in the field to the quality and scope of the findings, we shall briefly mention some of the shortcomings in our descriptive statistics.

First, it is our opinion that hitherto, the maintenance of socio-legal statistics in the Northwest Territories generally has been inconsistent and limited. Secondly, the statistics are not very suitable for socio-legal studies because the classification, which omits sociological characteristics, and general form, have been designed for the agencies concerned, not for the purposes of socio-legal research.

In particular, judicial files record the minimum social characteristics or variables, such as age, sex, and racial group, but rarely document an individual's educational, marital, or occupational status or place of birth. Files of cases appearing before the Justice of the Peace Court contain little information regarding the proceedings, explanations offered by the accused, the existence of a criminal record, or the rationale in sentencing. While Magistrate and Supreme Court files were somewhat more extensive in this regard, on the whole, they too were inadequate. However, correctional files provided some detail regarding the offender, circumstances of the offence, previous behaviour and response to treatment. Nevertheless, these shortcomings limited the scope of our evaluation of Inuit and the administration of criminal justice.

In evaluating the quality and scope of the findings from the material gleaned in the field, we reiterate that they are contingent on the community's reaction to the observer. Specifically, subject response is partially dependent on his or her perception of the observer or the role allocated to him by the community upon his entry, trial and acceptance in the field.

Before describing our entry and level of acceptance in the field, it is our opinion that the time in the field was really too short to permit our acceptance by more than a few individuals and groups. Nevertheless, in our subsequent description of the specific problems related to our entry and acceptance in the field and how they shifted over a period of time, it will become evident that a degree of rapport was achieved with the subjects, manifested in their response to queries as well as offering impressions to the researcher in his preparation of a credible documentation of the issues and concerns relating to Inuit and the administration of criminal justice.

To obtain an overview of the administration of criminal justice, we were obliged, particularly during the initial phase, to rely extensively on the agencies of socio-legal control. Generally, it is these agencies, dominated by whites rather than members of the community, which possess the technical knowledge to enlighten the researcher as to the control system's functioning and decision-making. At the beginning of our study, the individuals associated with the various agencies, though cooperative to our queries and presence as an observer, tended to be cautious in their responses and actions. However, in time, the disturbance in the community caused by the researcher's queries and observation declined, and, by the second phase of the research and thereafter, individuals within these agencies began to accept the research role of the researcher as well as the reason for his presence and made themselves readily available for intensive interviews, often extending over several hours at a time.

However, within the community, our known observer role generated a certain degree of suspicion, misunderstanding and hostility toward the researcher and the reason for his presence, even more than had been the case when dealing with officialdom. Whereas officials might be more discreet and covert in displaying their resentment toward the researcher, individual members of the community, including our special interest group, those engaged in deviant behaviour, particularly during our initial entry in the field, did not attempt to hide their resentment of his intrusion or their distrust of him, shown by withdrawal or verbal abuse and occasionally, threat of physical violence. However, we must qualify that these aggressive reactions were infrequent, generally occurring when the aggressor was intoxicated, and were mainly due to our difficulties in maintaining a neutral position between two opposing factions. This will be discussed in some detail elsewhere in the chapter.

Nevertheless, these negative reactions mostly occurred during the researcher's initial entry into the field when his credibility and trustworthiness was on trial. By the second phase of the research, we were able to undertake a more passive role in acquiring information as both Inuit and white residents began to accept our presence, as evidenced by their approaching the researcher of their own accord or more readily volunteering information on the current issues and developments in the community.

While the aforementioned difficulties in fieldwork apply to our interaction with both white and Inuit residents, we experienced certain specific limitations during our study with regard to the indigenous group. For example, regarding language, while we had no difficulty in dealing with Inuit teens and young adults, who are able to speak English, our inability to converse in *Inuktitut* was a distinct handicap in our interaction with those over 30 years of age. In addition to the matter of language, ethnic and cultural differences

limited our access to the Inuit community in Frobisher Bay and frequently forced us to rely on secondary sources.

Though the problems associated with entry and acceptance were most acute during the initial phase of the research, the very points under examination, deviance and socio-legal control, continued to undermine the credibility and trustworthiness of our work. Specifically, the major obstacle to our acceptance in the field was our simultaneous interaction with two opposing factions, on the one hand with those engaged in deviant behaviour, and on the other, with those designated by society to specialize in exercising socio-legal control over such actions. The problem lay in the difficulty of maintaining the desired position of neutrality or avoiding any alignment with either of these two factions, particularly with the police on the one hand, and the offenders on the other. Though we diligently strove to refrain from an alignment with either group in order to lessen certain feelings of hostility, tension, and distrust toward the researcher which reached their peak during our initial entry, it is our opinion that we have not been able to completely escape the suspicions of either group.

During our fieldwork, particularly at the beginning, our research role generated a certain amount of suspicion that placed us in a rather precarious and difficult position. For example, we might accompany the police throughout the 8:00 p.m. — 4:00 a.m. shift during a busy night, and the next night be mingling with the very individuals whose actions had necessitated the police intervention of the previous night. Though both groups were cognizant of the purpose of the research, this was not sufficient to dispel suspicion about our involvement with the opposing camp. As a result we were subjected to numerous pressures and conflicting situations all vying for our allegiance.

In regard to the police, certain individuals gave us informal warnings to refrain from frequenting certain drinking establishments as well as associating with certain 'dubious' characters. Some pressure, though unsuccessful, was made to have us inform the police about any confidential information gleaned, particularly regarding the traffic and non-medical use of drugs. This situation culminated in our detention in February 1973 by the R.C.M.P. upon arrival at the Frobisher Bay Airport on suspicion of trafficking narcotics, whereupon we were subjected to a removal of our clothes for a body search, in addition to a search of our luggage and premises, all of which proved negative.

On the other hand, it was very difficult to assure those engaged in deviant behaviour of our trustworthiness, particularly having observed our frequent accompaniment of the police in the performance of their many tasks. For example, one day, as we were walking to the court building, we accepted a ride with one of the constables who had been assigned to court duty. As we arrived in front of the building and climbed out of the car, several of those scheduled to appear for hearings that day were loitering outside. When they saw us get out of the police car, one of them, whose confidence we thought had been obtained, glared at us with disdain and contemptuously addressed us: "Hi ya cop!" It had reached the point where we adopted a position similar to one practised by many magistrates and judges to dispel the image of collusion between the judiciary and the police. Whenever possible, despite the fact that no ulterior motive was intended, we selected means of transport other than police vehicles.

We have cited several examples of the type of difficulties incurred by our dual role in the field. Initially, these difficulties limited our access to some sources of information essential to our research. However, these problems were not solely restricted to our interaction with the police and deviant sub-culture, but also to other agencies and individuals in social as well as official situations. We recall one occasion when we attended a social gathering comprised mainly of hospital staff. For us, it was purely an opportunity to escape momentarily from the pressures and demands of the research task. At one point during the course of the evening we entered into a light conversation with a visiting intern, casually inquiring what were his impressions of the hospital and Frobisher Bay. He turned and replied curtly: "I've heard all about you and I don't have to tell you a thing." That sudden and rather unexpected retort to our passing query brought us back to the reason for our presence in the community, and furthermore illustrated that we, as well as the community, had to come to terms with the role dictated by the research.

Aside from the numerous difficulties incurred through the implementation of various strategies and techniques to obtain the required material and data, this study, as well as other northern research projects, has had to deal with the current element of northern and indigenous self-determination. Failure to consider the demands of these movements will seriously limit the undertaking of current as well as future research and the quality of their findings. Indigenous and northern reaction to research projects will be discussed in terms of the shortcomings in existing designs for northern research.

Shortcomings in existing designs for northern research

In our current discussion, we shall cite some of the factors that merit serious consideration and resolution as a prelude to any planning of northern research. These ideas have evolved from our own experience as well as some of the thoughts expressed by noted researchers during A Seminar On Guidelines For Scientific Activities In Northern Canada, held in Mont Gabriel, Quebec, in 1972, and the Second Arctic Seminar, pertaining to issues in comparative socio-legal research in circumpolar countries, held in Frobisher Bay at the end of August 1974.

In recent years there has been a growing self-determination among indigenous groups in northern communities, such as Frobisher Bay and elsewhere in the Territories, which resent scholarly intrusions without prior consultation. Specifically, people are no longer willing to be the objects of research and are asserting their right to be regarded as clients and sponsors of research. Similarly, northern support will not be forthcoming unless the necessity of the research is made clear. Steps must therefore be taken to ensure northern involvement in the planning and execution of research, and the communication of its findings, translated into the various native languages. In addition, links must be established for effective feedback between researchers and the community, and in particular, for some organization to provide for the dissemination of the findings of the research.

Accordingly, it has become evident that research must be seen to be mutually beneficial, to the community as well as researchers. Specifically, as John Honigmann remarked during the Second Arctic Seminar in Frobisher Bay, "researchers must be prepared to lose a part of their autonomy." Therefore, future circumstances will require that a consensus is reached among researchers and members of the community as to the direction as well as the planning, execution and dissemination of the results of the research.

As we have seen, many of the limitations experienced in the fieldwork for our exploratory study, in terms of their impact on the scope and quality of the findings, were inherent in the very strategies and techniques designed for the qualitative analysis of social settings. Despite these limitations, the value of this descriptive study is that it provides a frame of reference for a more systematic analysis.

The Setting

The community of Frobisher Bay is located at 63° 44′ N, 68° 28′ W on southern Baffin Island in the Northwest Territories, near the head of Frobisher Bay. In 1973, it comprised a population of 2,415 inhabitants, 1,535 of whom were Inuit.

Though the community was founded in 1942 as a result of the installation of a U.S.A.F. airstrip, Jenness (1964) states that the Hudson's Bay Company maintained a trading post at Ward Inlet, near Frobisher Bay, since 1914. The community achieved hamlet status as of April 1st, 1971, and more recently, on April 1st, 1974, was elevated to village status.

Initially, the concentration of the development of the community was focused on the village of Apex, which is approximately three and one-quarter miles away from the present site of Frobisher Bay. It was in Apex that the Honigmanns (1965) conducted their research into Inuit townsmen. However, a shift in government policy witnessed the decline of Apex as the focal point of the community of Frobisher Bay. Informants who resided in Frobisher during that period revealed that the government initially favoured a policy of the separation of Inuit and non-native peoples, and structured the community accordingly with Apex consisting of a predominantly Inuit population. However, the years 1967-1968 indicated a shift in government policy wherein a plan of integration was advocated in view of the fact that, with the withdrawal of the military, Frobisher Bay became the logical place for the community. This alteration in government thinking was accompanied by the construction of an 11.3 million dollar shopping centre, hotel, office building, apartment building and row housing complex on the site of Astro Hill in the heart of Frobisher Bay.

Frobisher Bay, with the largest concentration of Inuit people in the Northwest Territories, functions as the administrative capital of the Eastern Arctic, which comprises Baffin Island and the outlying settlements of Grise Fiord, Port Burwell, Hall Beach, Igloolik and Resolute Bay. In point of fact, three levels of government administer the affairs within the community, with that of the Northwest Territories constituting the largest group of functionaries. As a result, the primary source of employment is in those positions providing the administrative or other services to the community on a wage labour basis. At the federal level, the organizations that are represented within Frobisher Bay include the Ministries of Transport, Environment, Indian Affairs and Northern Development (Construction), National Health and Welfare, the Northern Canada Power Commission, the Post office and the R.C.M.P., sub-division headquarters, local and air detachments.

The Territorial Government is represented in the community under the direction of a regional director whose jurisdiction encompasses the Departments of Personnel, Education, Purchasing and Supply, Industry and Development, Local Government, Social Development, Public Works and Treasury.

As a result of the incorporation of Frobisher Bay as a hamlet on April 1st, 1971, a third level of government became significantly involved in the affairs of the community. The village is under the direction of an elected council consisting of a chairman and deputy chairman, along with six members. Upon elevation

Fig. 1 — Map of Frobisher Bay, Northwest Territories.

to village status, its responsibility increased from the maintenance of municipal services to the raising of revenue by land taxes as well as the preparation of its own budget in consultation with the Territorial Government.

Despite the many misconceptions and stereotypes southerners might have of the North, Frobisher Bay has many facilities and conveniences characteristic of other urban centres. Within the community there exists a harbour with three landing barges, operating during the shipping season from August to September, whereby bulk supplies are brought in, as well as an airport. Links with the outside world are maintained through the passenger services of Nordair, which provides five flights weekly in 737 jets to and from Montreal. In addition, contact is maintained through telephone and telecommunication services provided by Bell Canada and Canadian National respectively.

Commercial enterprises are certainly in evidence within Frobisher Bay. The Royal Bank of Canada has a branch office, and in addition to the Hudson's Bay Company, there is one other venture dealing in general merchandise along with several in handicrafts. There also exists a travel as well as insurance agency and a snowmobile dealer. With respect to public accommodation, Frobisher Bay has a hotel and motel providing lodging for approximately 120 persons. Regarding dining facilities, the complex or mall area houses a coffee shop as well as a dining-room for full course meals. There is also a snack bar with take-out service located on the outskirts of town.

In terms of physical recreation, there is a bowling alley, swimming pool and sauna which are located within the complex and for which admission is charged. The Anakudluk Municipal Centre, officially opened on February 15, 1974, houses the village offices, fire station and an ice arena for the community's organized hockey and public skating. The school gymnasiums of the Gordon Robertson Educational Centre and Nakasuk are utilized by the community during the evening hours as well as the curling rink, which is located on the outskirts of town. Unfortunately, the scope of recreation has been curtailed due to the closing for repairs of the swimming pool and sauna for the latter half of 1974, and to a recent fire that destroyed the curling rink.

Social recreation used to be available in the newly constructed theatre in the complex area, as well as the older one, called the Palace Theatre. However, the new theatre has been closed for some time, and since June 1973, the Palace Theatre has been renovated to comprise a billiard hall, coffee house and discotheque lounge. In addition to the hotel bar and lounge, which is open to the drinking public of legal age, the Royal Canadian Legion and the F.A.R.A. Club (Frobisher Airport Recreation Association), operated until recentiy by the Ministry of Transport, serve liquor to members and their guests. The community can also purchase alcoholic beverages at a liquor outlet which is under the jurisdiction of the Liquor Control System of the Territorial Government.

In terms of the media, the community is served by a radio station, C.F.F.B., and regular television programs broadcast from southern Canada as a result of the recent launching of the communications satellite, Anik. Prior to this development, television viewing was restricted to a daily four-hour pre-taped broadcast referred to as the Frontier Package. In addition, a weekly newspaper, the *Inukshuk,* emerged during the winter of 1973.

Medical services are provided by the Department of National Health and Welfare which is involved in the administration and staffing of a 32 bed hospital with surgical-medical as well as maternity and pediatric wards. It should be stressed that these services not only apply to Frobisher, but to the entire region of Baffin Island and the several outlying settlements, which in 1973 encompassed a total population of 6,616 people, that is, 5,540 Inuit and 1,076 non-Inuit. Facilities and a program for dental care and public health have also been created. Medical treatment is administered by staff physicians complemented by a rotation of interns, available as the result of the hospital's affiliation with a southern medical school.

The situation with respect to the availability of housing is a particular problem in the North to which Frobisher Bay is no exception. Generally, it can be stated that the employing agency provides subsidized furnished apartments or houses for its staff. Apartment dwellings are situated in the Astro Hill Complex with one six, and one eight storied building available on a rental basis. In 1972, the cost to the employee ranged from $95.00 for a bachelor apartment to $132.00 for a two bedroom apartment, in which are included the electrical and fuel costs, which are paid by the employer. Houses are available to residents generally at a lower price, except for those units comprising three and four bedrooms.

Within Frobisher Bay, those individuals employed at one of the three levels of government are provided with adequate subsidized housing contingent on the size of their family or number of dependents. Similarly, commercial enterprises provide the same arrangement for their staff. The other housing scheme, which encompasses in the main those Inuit not associated with the aforementioned structures, is referred to as the Northern Rental Housing Program which has recently come under the jurisdiction of the Department of Local Government, Government of the Northwest Territories. This program was initiated in 1966 in order to provide low rental housing to the native people. The Frobisher Bay Housing Association, a body elected annually, functions as an all Inuit tenants' association involved in the collection of rents and maintenance of houses. In a sense, it acts as a housing co-op with a potential for involving Inuit in the community's affairs. Inquiries into the

number of housing units within this scheme, as of June 1972, revealed a total number of 212 units with the assessed rent ranging from $2.00 to $67.00 a month.

Since 1970, the responsibility for education in the Eastern Arctic has come under the jurisdiction of the Territorial Government. Primary and secondary education is available within the community of Frobisher Bay. Specifically, until the fall of 1973, Sir Martin Frobisher, the elementary school, accommodated children from kindergarten to grade six inclusive, and was patterned on the newly developed N.W.T. curriculum guides, whereas the newly constructed Gordon Robertson Educational Centre, in operation since September of 1971, offers a Life Skills Program and a junior and senior high school program, following the Alberta curriculum. However, upon the completion of the construction of a new elementary school, students were transferred in the fall of 1973 from Sir Martin Frobisher to Nakasuk Elementary School, officially opened on March 22, 1974.

Interwoven into the system of education in the North is the student residence, which offers those individuals from the outlying settlements in the Baffin Region a place to stay for a period of ten months while pursuing their higher education. The operation of such a hostel, Ukkivik Residence, located in the Federal Building on the outskirts of town, was started in September of 1971 with the admission of 160 Inuit students. In addition, there are facilities for adult education, with its own structure and facilities within the community, which provide training at a non-academic level in order to assist individuals in such fields as vocational or social education.

Special services within the community are embodied in the structure of the Department of Social Development, Government of the Northwest Territories. In 1972, the staff at the Frobisher Bay area office numbered 10 persons, comprising three engaged in clerical work, three Inuit trainees, and four social workers whose terms of reference involved the dispensation of their services to all sectors of the community. Specifically, these services lie within the realm of social assistance, child welfare, juvenile and adult corrections, the receiving home, medical-social assistance and alcohol education. The extent of correctional services will be discussed at length elsewhere in this study.

Within the framework of this report, we are very much interested in the administration of justice in terms of the scope of enforcement given the police and the results of the decision-making process as seen in the judiciary's handling of those who have broken the law. Before we proceed at any great length in this direction, perhaps we can make some brief comments with respect to the organization of the police and judiciary in Frobisher Bay.

Frobisher Bay has a local detachment of the R.C.M.P. comprising regular members and Inuit who are classified as "special constables". Attached to the local police detachment are the regional or subdivisional headquarters of the Force for the Baffin zone under the direction of an inspector. In close liaison with the subdivision is the R.C.M.P. air detachment, consisting of two member pilots who fly the recently acquired Twin Otter to make regional patrols with members of the outlying detachment in settlements within the jurisdiction of the subdivision.

Within the local detachment, there is a jail which has a capacity of 30 people. Theoretically, all sentences of two years minus a day can be served within the confines of the local jail, which in essence, can be referred to as the Territorial jail of Frobisher. In actual practice, at least until the winter of 1974, all sentences above three months were sent to the Yellowknife Correctional Centre. However with the opening on April 15, 1974, of the Baffin Correctional Centre, *Ikajurtauvik*, in Frobisher Bay, offenders will be able to serve their sentences in proximity to their home communities while the Yellowknife Correctional Centre will be used for those serving longer sentences including those over two years. Within the confines of the local detachment, there is also a large rectangular room, concrete in structure and devoid of benches or blankets, which is commonly termed the drunk tank. Despite the existence of a men's and women's cell-block, there is a lack of custodial facilities, such as a special drunk tank for females in a state of intoxication.

In Frobisher, two persons have been appointed from the community to act voluntarily as Justices of the Peace, generally presiding on a weekly basis in the court room located in the former Anakudluk Building, to hear cases under their jurisdiction. Though there is an absence of legal counsel in the community, a legal aid representative has been appointed to screen applications for the Legal Aid Committee in Yellowknife. As we have stated elsewhere, matters of a more serious nature than summary conviction cases are scheduled to appear before either the Magistrate's or Supreme Courts, based in Yellowknife, which make their circuit to Frobisher Bay every four or six weeks, or as required. Crown and defence counsels, as well as a clerk and court reporter accompany these circuit courts. Further details regarding this level of the judiciary will be discussed elsewhere in the study.

Regarding the scope of religious affiliations within the community, the Anglican Church represents the major denomination followed in order of numerical prominence by the Roman Catholic and Pentacostal Churches and the Baha'i House. Though no accurate figures have been obtained regarding the religious affiliations of Inuit, a crude estimate indicates that over 90 percent belong to the Anglican Church. In Frobisher Bay, the limited number of denominations results in the incorporation by the Anglican Church of some Baptists, Lutherans, United Church and Presbyterians. Essentially, it appears that the Protestants have two

choices: either the Anglican or the Pentacostal Church. Hitherto the pattern has tended to be a shift toward the Anglican Church. However, there are indications that the Pentacostal Church as well as Baha'i House are gaining in popularity, but more with the non-Inuit population.

Any discussion of Frobisher Bay must take into consideration its constitution as a plural community comprising Inuit and non-natives. Specifically, in 1973, the Department of National Health and Welfare established, through means of a biannual head count subject to a 5 percent variance to account for approximately 100 to 150 transients, that Frobisher Bay was inhabited by 2,415 people, of whom 1,535 were Inuit. There are no Indian or Metis peoples residing in Frobisher Bay, as is the case in the Western Arctic. Statistics compiled by the Department of National Health and Welfare for the year 1973, have indicated that the largest concentration of Inuit lies within the Baffin Region, with 5,540 residing in this area out of a total of 13,630 Inuit in the Northwest Territories. Interestingly, in 1973, Inuit comprised 36.8 percent of 37,010 persons, the total population in the Northwest Territories. However, the Inuit population dominates to a significant degree in the Eastern Arctic and particularly in Frobisher Bay.

In an examination of the growth of the Inuit population of Frobisher Bay during a span of thirty years, Table 2, compiled by the Department of Indian Affairs and Northern Development, illustrates the increase of 645.3 percent for 1971 over 1941. The significant growth occurred during the middle and late 1950's and 1960's as a result of Inuit migration from the outlying settlements, particularly Lake Harbour, Cape Dorset and Pangnirtung, in the desire to participate and share in the benefits of an intensive phase in construction and development in the area.

Table 3, tabulated from statistics from the Departments of Indian Affairs and Northern Development as well as National Health and Welfare, shows the increase in the Inuit population during Frobisher's modern era, which by 1973, has seen a 70.0 percent increase over 1961. The table indicates a range in the annual percent change in the population from a low of −1.3 percent in 1968 to a high of +13.7 percent in 1971. In fact, the latter peak has been attributed to Inuit immigration from the outlying settlements in order to share in the alleged opportunities and development in Frobisher Bay featuring the recently completed Astro Hill Complex and Row Housing. Though the 60's and early 70's have indicated a gradual increase in the Inuit population, with sudden waves occurring in 1964, 1966, 1967, 1971 and 1972, the annual percent change of +2.1 percent for 1973 over 1972, may mark a decline in the exodus from the outlying regions.

Table 2

Eskimo Population of Frobisher Bay, NWT, 1941-1971

Year	Number	Percent change over 1941
1941	183	100.0
1951	304	+ 66.1
1961	903	+393.4
1971	1364	+645.3

Table 3

Eskimo Population of Frobisher Bay, NWT, 1961-1973

Year	Number	Percent change over 1961	Annual percent change
1961	903	100.0	
1962	902	− 0.1	− 0.1
1963	911	+ 0.9	+ 1.0
1964	989	+ 9.5	+ 8.6
1965	997	+10.4	+ 0.8
1966	1065	+17.9	+ 6.8
1967	1170	+29.6	+ 9.9
1968	1155	+27.9	− 1.3
1969	1161	+28.6	+ 0.5
1970	1200	+32.9	+ 3.4
1971	1364	+51.1	+13.7
1972	1503	+66.4	+10.2
1973	1535	+70.0	+ 2.1

The most recent statistics available from the Department of National Health and Welfare, cited in Table 4, reveal the population of Frobisher Bay for Inuit and non-Inuit by age group for 1973. Though Inuit comprised 63.5 percent of the total population for 1973, of 18 years and over, only 45.6 percent of the total Inuit population for 1973 were in this category as compared to 57.0 percent of the total non-Inuit population, 18 years and over, for the same year. In other words, the percentage of adults in the community tends to be higher for whites than for Inuit. Our information regarding the distribution by sex per age group, pertaining to the Inuit population in Frobisher Bay, is rather limited and dated. However, we shall comment on the available figures for 1969, from which we can obtain some indication of the sex distribution per age group for the Inuit population

Table 4

The Population of Frobisher Bay, NWT, for Eskimos and Non-Eskimos by Age Group, 1973

	Eskimo		Non-Eskimo		Total	
Age Group	N	%	N	%	N	%
	1973					
Under 1 year	58	3.8	35	4.0	93	3.8
1 - 5	209	13.6	121	13.8	330	13.7
6 - 17	568	37.0	222	25.2	790	32.7
18 +	700	45.6	502	57.0	1202	49.8
Total	1535	100.0	880	100.0	2415	100.0

in Frobisher. Specifically, from a total Inuit population of 1,161 persons, 577 or 49.7 percent were males and 584 or 50.3 percent were females. While the sex ratio for the total appears equal, females, 19 years of age and under, comprised 53.3 percent as compared to 46.7 percent for males in this category, whereas males constituted 54.7 percent of the population between 20 and 75 years of age as compared to 45.3 percent for females in the same age group.

We have described the method and setting of our research as well as some of the characteristics of our population. In our examination of Inuit and the administration of criminal justice in Frobisher Bay, the limited size of the population precluded the need for sampling procedures. Our study endeavours to obtain a qualitative overview of the extent of crime and socio-legal control in the setting during a two year period, with a particular focus on our descriptive statistics of all those 16 years and over who have come to the attention of the agents of sanction for a one year period, from January 1, 1972 to December 31, 1972.

Chapter Three

Crime in Frobisher Bay

Our examination of the extent of criminal behaviour in the community will centre on offences known or reported to the police, patterns of criminality, and on persons who have deviated from the legal norms.

The Incidence of Crime

Though our socio-legal analysis concentrates on issues and events occurring during the past two years, we will examine the available crime statistics compiled by the Royal Canadian Mounted Police for Frobisher Bay from 1967-68 to 1972-73, to obtain some indication of the extent of criminality. However, first, we will qualify our use of descriptive statistics gleaned from official records.

Regarding a measurement of the extent of deviance, for an accurate assessment of the amount of crime, crime statistics are unreliable. Their limitation is based on the fact that they are unable to gauge the volume of undetected or unreported crime. However, despite this major shortcoming, crime statistics on offences known or reported to the police are useful as an index of the amount of known criminality in an area. Accordingly, to determine the incidence of crime, whenever available, we utilized offences known to the police, or otherwise, charges brought before the judiciary. Though the value of crime statistics declines the farther we are removed from the offence itself, judicial records were our only alternative because police files, kept at the local detachment, were unavailable throughout the period in the field.

Tables 5 and 6, compiled by the R.C.M.P., cite the actual number of crimes against the person and sexual offences, as well as property offences, from 1967-68 to 1972-73, for Frobisher Bay. Specifically, Table 5 reveals that there was a 224.4 percent increase in crimes against the person and sexual offences for the year 1972-73 over our base year 1967-68, with major annual increases, during the six years, of 56.1 percent, 56.3 percent and 40.0 percent occurring in 1968-69, 1969-70, and 1972-73, respectively, while the years 1970-71 and 1971-72 indicated a slight decline of 2.0 percent and 3.0 percent, respectively. Regarding property offences during the six years, Table 6 reflects a similar trend with a significant increase of 154.9 percent for the year 1972-73 over 1967-68, major annual increases of 28.6 percent, 51.3 percent, and 107.1 percent for the years 1968-69, 1969-70, and 1972-73, respectively, while a moderate to significant decline of 10.7 percent and 22.8 percent was evident for the years 1970-71 and 1971-72. Though our population data is too incomplete, particularly regarding the number of inhabitants 16 or 18 years of age and over, to serve as the base population in determining the rate or index of crime, it is our opinion that the rise in criminality over the six years, reflected in annual increases, except for the years 1970-71 and 1971-72, has far exceeded the increase in the town's population over the same period of time.

Table 5

Crimes Against the Person and Sexual Offences[1] 1967-68 to 1972-73, Frobisher Bay, NWT

Year April 1 - March 31	Number	Percent change over 1967-68	Annual percent change
1967-68	41	100.0	
1968-69	64	+ 56.1	+56.1
1969-70	100	+143.9	+56.3
1970-71	98	+139.0	− 2.0
1971-72	95	+131.7	− 3.0
1972-73	133	+224.4	+40.0

[1]Crimes against the person and sexual offences comprise the following: murder, wounding, assaults (not indecent), offensive weapons, rape and other sexual offences.

Table 6

Property Offences[1] 1967-68 to 1972-73, Frobisher Bay, NWT

Year April 1 - March 31	Number	Percent change over 1967-68	Annual percent change
1967-68	91	100.0	
1968-69	117	+ 28.6	+ 28.6
1969-70	177	+ 94.5	+ 51.3
1970-71	158	+ 73.6	− 10.7
1971-72	112	+ 23.1	− 22.8
1972-73	232	+154.9	+107.1

[1]Property offences comprise the following: robbery, breaking and entering, theft of motor vehicle, theft over and under $200, possession of stolen goods, and frauds.

While the previous categories of offences showed a decline in 1970-71, and 1971-72, especially in the case of property offences, both types increased significantly during the following year, April 1, 1972 to March 31, 1973, with a dramatic increase of 107.1 percent for property offences as compared to 40.0 percent for crimes against the person and sexual offences.

For a detailed examination of the extent of known criminality in Frobisher Bay, we will analyze crime statistics for the year 1972. For example, Fig. 2, based on statistics gathered by the R.C.M.P., shows the amount of crime in the community, and more specifically, the reduction in the number of offences committed during 1972, reported or known to the police, to offences cleared by charge. Accordingly,

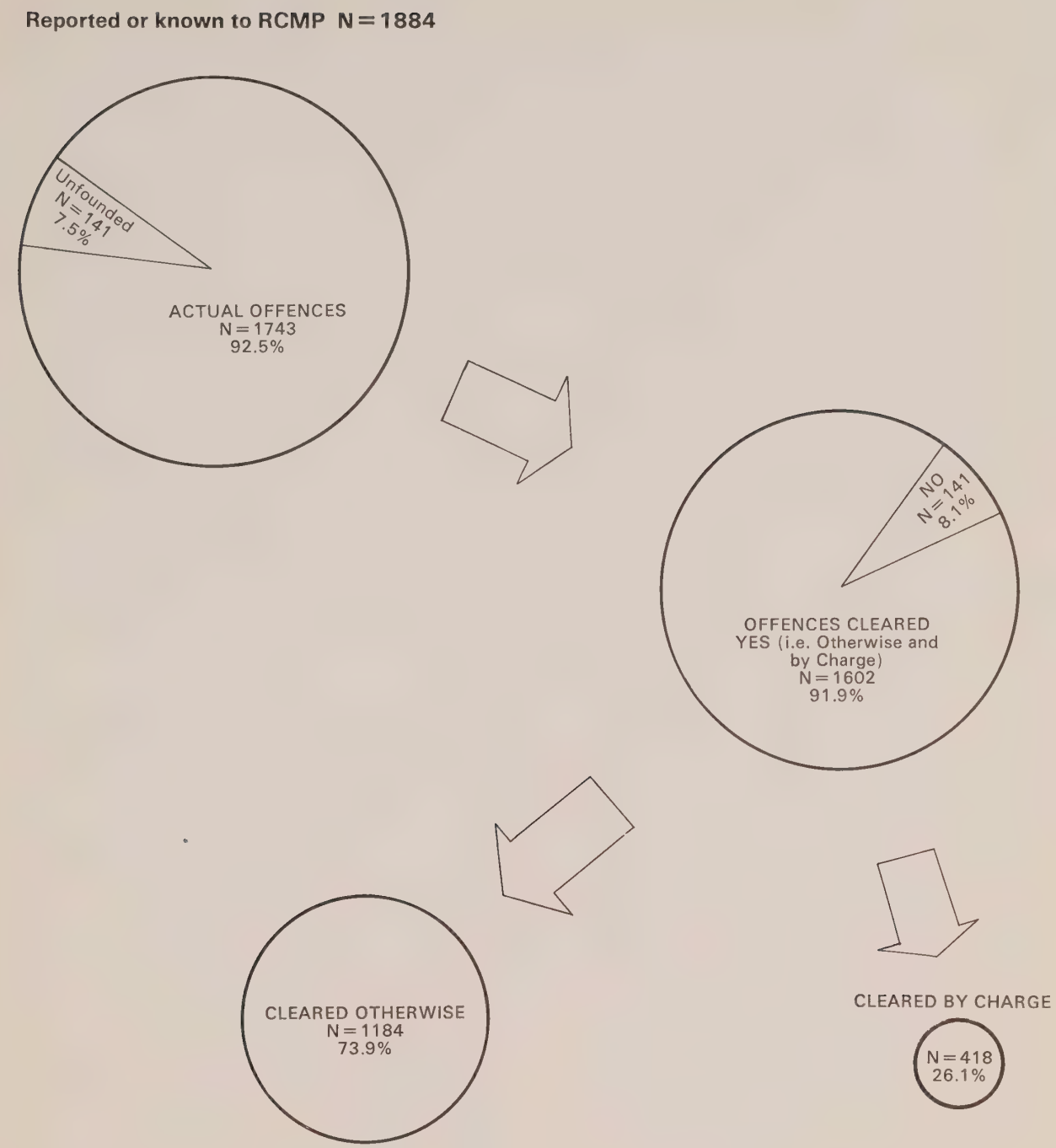


Fig. 2 — The "shrinkage" of offences reported or known to the RCMP, committed during 1972 to offences cleared by charge, Frobisher Bay, NWT.

from a total of 1,884 offences committed during 1972, reported or known to the police, investigation revealed that 92.5 percent were indeed founded, or actual offences, of which 1,602 or 91.9 percent were either cleared by charge, i.e., an information had been laid against an individual, or otherwise, i.e., the offence was not cleared by charge. Furthermore, from a total of 1,602 offences cleared, 1,184 or 73.9 percent were cleared otherwise and 418 or 26.1 percent were cleared by charge.

Regarding the total number of charges that appeared before the courts, arising from offences committed in Frobisher Bay during 1972, Table 7 serves as an index of criminality reflecting the distribution of charges by the nature of the offence per racial group. Specifically, of a total of 487 charges arising from offences committed during 1972, the distribution shows a significant polarization with regard to liquor offences, comprising 245 charges or 50.3 percent of the total, followed by offences against the person and sexual offences with 85 charges or 17.5 percent; motor vehicle violations, 65 charges or 13.3 percent; property offences, 60 charges or 12.3 percent; and finally, offences against the administration of justice, drugs and other, 32 charges or 6.6 percent of the total. Of a total of 487 charges, 415 or 85.2 percent arose from offences committed by Inuit as compared to 72 charges or 14.8 percent for non-Inuit.

Furthermore, the table reveals that most of the offences committed by Inuit were concentrated on liquor offences, particularly minor consuming, unlawful possession of alcohol and supplying liquor to a minor, comprising 56.4 percent of the total, followed by 17.8 percent, 13.7 percent, 6.5 percent and 5.5 percent for crimes against the person and sexual offences, — particularly assaults, — property offences, mainly theft under $200, motor vehicle violations, — especially, impaired driving; — and those against the administration of justice, drugs and other, respectively. Regarding charges arising from offences committed by non-Inuit, the findings indicate a particular concentration of motor vehicle offences, particularly motor vehicle ordinances and impaired driving, comprising 52.8 percent of the total, followed by an equal concentration of 15.3 percent for crimes against the person and sexual offences, with 12.5 percent for liquor offences, and 4.2 percent for the remaining categories of offences against the administration of justice, drugs, and other, and property offences, respectively. In a comparison of the distribution of charges arising from offences committed by Inuit and non-Inuit by offence type, it is evident that Inuit are grossly overrepresented in liquor offences, 56.4 percent as compared to 15.3 percent, moderately and slightly in property and crimes against the person and sexual offences, 13.7 percent as compared to 4.2 percent and 17.8 percent to 15.3 percent respectively, while significantly underrepresented in motor vehicle violations, 6.5 percent compared to 52.8 percent, and moderately in offences against the administration of justice, drugs and other, 5.5 percent to 12.5 percent.

Since we were unable to obtain the number of inhabitants 16 years of age and over, for Frobisher Bay during 1972, we have used the age group 18 years of age and over as the base population in determining the crime rate. Accordingly, the rate of offences for Frobisher Bay, committed by all persons 18 years of age and over, as represented by charges, is 334/1,000. In a comparison of the rate of criminality by racial group, the number of offences committed by Inuit comprised 477/1,000, dramatically exceeding the rate of 134/1,000 for the non-Inuit population.

In an evaluation of the distribution of charges by offence type per racial group by sex, as illustrated by Table 8, it is interesting to note that while all charges arising from offences committed by non-Inuit concerned males, Inuit females represented 28.9 percent of the total committed by Inuit. However, during 1973 and 1974, we observed that non-Inuit females have increasingly come to the attention of the agencies of socio-legal control for their non-medical use of drugs. In a comparison of the distribution of charges arising from offences committed by Inuit and non-Inuit males, the pattern of over and under representation, with slight variations, approximates the findings in Table 7. The distribution of charges arising from offences committed by Inuit females reveals a significant over representation in liquor offences of 80.0 percent as compared to 46.8 percent for Inuit males, but an under representation in the remaining categories.

According to the examination of all charges by offence type and age, shown in Table 9, it is evident that the incidence of criminality is predominant from the ages of 16 to 29, peaking during the 20 to 24 age period at which time there is a significant involvement in violation of the liquor laws, crimes against the person and sexual offences, followed by motor vehicle, property offences and those against the administration of justice, drugs, and other, and gradually declining as we enter the 25 to 29 age group and thereafter. This pattern corresponds with the distribution of charges for Inuit males by age group except for a slight reordering of the offence types since the incidence of property offences by those aged 20 to 24 exceeds motor vehicle violations. Inuit females are over represented in liquor offences, predominant from the age of 16 to 19, at its height at the age of 16 to 17 and declining significantly as we enter the 20 to 24 age bracket and thereafter. With respect to non-Inuit males, the incidence of criminality is concentrated over a longer period between the ages of 20 to 34, is at its peak in the 20 to 24 and 30 to 34 age groups, mostly involving motor vehicle violations, and shows a decline thereafter.

Table 7

Distribution of Charges Arising from Offences Committed During 1972, by Nature of Offence per Racial Group, Frobisher Bay, NWT

Offence	Eskimo		Non-Eskimo		Total	
	N	%	N	%	N	%
Murder, non-capital	1				1	
Causing bodily harm and danger	4				4	
Assault causing bodily harm	11				11	
Common assault	34		4		38	
Assault on a peace officer			1		1	
Resisting a peace officer	1				1	
Causing a disturbance by fighting	14		4		18	
Pointing a fire arm			1		1	
Dangerous use of fire arm	3				3	
Carrying concealed weapons	2				2	
Rape	1				1	
Rape, attempt to commit	1				1	
Incest	1				1	
Indecent assault on female			1		1	
Adults who contribute to juvenile delinquency by sexual intercourse with minor	1				1	
AGAINST THE PERSON AND SEXUAL OFFENCES — TOTAL	74	17.8	11	15.3	85	17.5
Robbery	2				2	
Breaking and entering	12				12	
Illegal presence in dwelling house	1				1	
Theft under $200	16		1		17	
Having in possession	10		1		11	
Taking motor vehicle or vessel	10		1		11	
Uttering a forged document	1				1	
Wilful damage	1				1	
Damage not exceeding $50	4				4	
AGAINST PROPERTY — TOTAL	57	13.7	3	4.2	60	12.3
Dangerous driving			2		2	
Driving while ability impaired	16		8		24	
Driving with more than 80 Mgs. of alcohol in blood	2		2		4	
Failing to stop at scene of accident			1		1	
Motor vehicle ordinances	9		25		34	
MOTOR VEHICLE — TOTAL	27	6.5	38	52.8	65	13.3
Causing a disturbance by being drunk	20				20	
Adults who contribute to juvenile delinquency by supplying liquor to a minor	9				9	
Supplying liquor to a minor	43		3		46	
Minor consuming	93				93	
Interdict consuming	4				4	
Supplying interdicted persons	1				1	
Unlawful consumption of alcohol	1				1	
Unlawful possession of alcohol	59		5		64	
Persons forbidden to enter premises	4		3		1	
LIQUOR OFFENCES — TOTAL	234	56.4	11	15.3	245	50.3
Failure to appear in court having entered into recognizance	1				1	
Failure to attend court having received appearance notice	4				4	
Failure to obey summons	5				5	
Failure to comply with probation order	4				4	
Public mischief	2				2	
Causing a disturbance by indecent exhibition	2				2	
Recognizance, breach of	4		2		6	
Recognizance to keep the peace			1		1	
Possession of LSD for purpose of traffic			1		1	
Possession of a narcotic (marihuana)	1		4		5	
Dog ordinance			1		1	
AGAINST ADMINISTRATION OF JUSTICE, DRUGS AND OTHER — TOTAL	23	5.5	9	12.5	32	6.6
GRAND TOTAL	415	99.9	72	100.1	487	100.0

Table 8

Distribution of Charges Arising from Offences Committed During 1972, by Offence Type per Racial Group by Sex, Frobisher Bay, NWT

Offence Type	Eskimo				Non-Eskimo			
	Male		Female		Male		Total	
	N	%	N	%	N	%	N	%
Against the person + sexual offences	60	20.3	14	11.7	11	15.3	85	17.5
Against property	53	18.0	4	3.3	3	4.2	60	12.3
Motor vehicle	26	8.8	1	0.8	38	52.8	65	13.3
Liquor offences	138	46.8	96	80.0	11	15.3	245	50.3
Against administration of justice, drugs and other	18	6.1	5	4.2	9	12.5	32	6.6
TOTAL	295	100.0	120	100.0	72	100.1	487	100.0

Though our descriptive statistics are restricted for the year 1972, we will make some comments as to the incidence of crime during 1973 and 1974. Regarding the number of liquor offences that came to the attention of the local detachment, the incidence for 1973 showed only a nominal increase of 4.6 percent over 1972. There are indications that the frequency of liquor violations has stabilized and perhaps even declined during 1974. This has been attributed to community action regarding the abuse of alcohol which gathered momentum during the First Annual Baffin Regional Conference On Alcohol, held in Pangnirtung in October 1973, and reached its peak during the time of a plebiscite called in the spring of 1974 to decide the status of the various liquor outlets in the community. While the number of liquor offences are showing a decline, perhaps indicative of more discreet drinking patterns, the number of drug offences that have come to the attention of the agencies of socio-legal control is on the upswing, particularly since 1974.

According to the officer in charge of the local detachment, the incidence of assaults reported to the police indicated a 74.4 percent increase for 1973 over 1972. Despite this rise, attributable more to an increase in reporting than to the number of actual assaults, it is the opinion of the police that 1974 will show a stabilization in the incidence of liquor related assaults as a result of the positive effect of community concern regarding the abuse of alcohol. Furthermore, while disturbances and incidents of wilful damage increased in 1973 to 209.7 percent over 1972, perhaps community concern regarding the social and criminogenic role of alcohol, applicable to the majority of these incidents, will similarly be a factor in curtailing any similar dramatic increase in the immediate future.

With respect to property offences, there are indications that 1973 and 1974 were characterized by the commission of more serious incidents, particularly in cases of breaking and entering. However, the limited number of individuals involved in breaking and entering, especially in consideration of the fact that one person may account for as much as 10 percent of the total number, precludes its appropriateness as a valid indicator as to the rise or decline in the frequency of these offences.

In conclusion, the incidence of known criminality in Frobisher Bay, confined to a limited variety of acts within the categories of liquor offences, physical and sexual assaults, property offences and motor vehicle violations, along with a growing involvement in the non-medical use of drugs, approximates the situation found elsewhere in semi-urban settings in the Northwest Territories. Nevertheless, recent trends in Frobisher Bay indicate an increase in the range of crimes for each offence type, particularly in terms of the commission of more serious acts and in the more skilled or sophisticated manner in which they are perpetrated.

However, the opinion among some of those involved in the administration of criminal justice, within, as well as outside, the community, is that the majority of incidents involving Inuit that constitute crimes are really petty or quasi-criminal offences. The majority concurred with the thinking of one defence counsel who felt that any discussion to define the criminality of these acts must make a moral distinction rather than a legal one. Therefore, while these acts are illegal or in violation of specific ordinances, statutes or sections of the criminal code, they are generally devoid of criminal intent, motivation or marked degree of premeditation. While the circumstances of some offences may reveal a degree of criminal intent, crimes such as breaking and entering or theft are

Table 9

Distribution of Charges Arising from Offences Committed During 1972, by Offence Type per Racial Group by Age and Sex, Frobisher Bay, NWT

Offence Type	Age distribution per racial group by sex										Total
	16, 17	18, 19	20-24	25-29	30-34	35-39	40-44	45-49	50-59	60 +	
	Eskimo males										
Against the person + sexual offences		5	26	18	2	3	2	1	3		60
Against property	1	4	18	10	7	10	2	1			53
Motor vehicle			11	6	2	4	1			2	26
Liquor offences	14	16	46	35	10	8	7	1	1		138
Against administration of justice, and drugs	1		9	6			2				18
Total	16	25	110	75	21	25	14	3	4	2	295
	Eskimo females										
Against the person	3	2	4	4	1						14
Against property	2	1				1					4
Motor vehicle			1								1
Liquor offences	59	27	2	3	4			1			96
Against administration of justice	1	2	1	1							5
Total	65	32	8	8	5	1		1			120
	Non-Eskimo males										
Against the person + sexual offences		2	2	1	4	2					11
Against property	2					1					3
Motor vehicle			9	8	7	4	3	4	3		38
Liquor offences		1		1	5	1		1	2		11
Against administration of justice, drugs, and other	3		6								9
Total	5	3	17	10	16	8	3	5	5		72
	All charges										
Against the person + sexual offences	3	9	32	23	7	5	2	1	3		85
Against property	5	5	18	10	7	12	2	1			60
Motor vehicle			21	14	9	8	4	4	3	2	65
Liquor offences	73	44	48	39	19	9	7	3	3		245
Against administration of justice, drugs, and other	5	2	16	7			2				32
Total	86	60	135	93	42	34	17	9	9	2	487

rarely planned more than a day, evening, or several hours in advance. The level of sophistication of these crimes in contrast to the range existing in southern Canada is very low, illustrated by the lack of professionalism in carrying out the deed and success in escaping detection.

The general circumstances surrounding the perpetration of an offence indicate that the act may have been committed unintentionally, perhaps in a moment of impulse or passion, or due to the provocation of the victim in cases of physical or sexual violence, and usually precipitated when the judgment of either the offender or victim, or both, had been impaired by alcohol. The commission of illegal acts often appears to be in response to a particular set of circumstances. For example, an offence may result simply because a hungry but intoxicated person decides on impulse to take a can of food from a store without paying. Many people agree with the statement of one Inuk, who, when asked his impressions concerning the state of crime in the community, replied that "these people are not really criminal. They are people who have drinking problems and get into trouble because of it".

Though we will examine the criminogenic role of alcohol in greater detail elsewhere, we would like to mention briefly some of the other factors, which, in the opinion of those engaged in the administration of justice and corrections, contribute to the rising criminality among Inuit in a semi-urban setting such as Frobisher Bay. We believe that their perception of the causes for criminality have a significant bearing on the outcome of the decision-making process in the sentencing and resocialization of offenders.

Two members sitting on the bench of the superior courts traced the rise in criminality among southern Baffin Inuit back to the time of their engagement on a wage basis at the Frobisher Bay Air Force Base. In their opinion, one also shared by several others, the subsequent transformation of many previously self-reliant hunters to the status of unskilled labourers in an alien and artificial setting, contributed to a loss of self-esteem and frustration, which under conditions of increasing leisure time and excessive drinking were likely to culminate in an aggressive outburst or the violation of legal norms. It is interesting to note that these views correspond with some of the observations made by researchers, documented earlier in our discussion, on the erosion of the traditional forms of social control and the factors contributing to the emergence of new patterns of deviance among indigenous peoples.

The Criminogenic Role of Alcohol

Our discussion of the criminogenic role of alcohol will focus on the sources, patterns, and effects of hazardous drinking, followed by an examination of alcohol as a factor in crime.

The sources, patterns, and effects of hazardous drinking

Though full liquor privileges were extended to Inuit on January 1, 1959, in contrast to only limited illegal consumption through Euro-Canadian sources previous to this date, it can be said that between the years 1960 and 1962, the Rustic Room, a tavern in the East Coast Lodge, was the major factor in the introduction of alcohol to Inuit.

In mid-August, 1961, without consultation with the community and despite some resistance to its establishment, a Territorial Liquor Outlet commenced its operations. Initially, a three week waiting period was instituted for the ordering of spirits, extended in September 1962 to apply to beer as well. The rationale behind this policy was to control impulse drinking. However, it is not unreasonable to believe the reports of some informants that this waiting period stimulated an illicit traffic in liquor.

In any event, gradually through the years, public opinion against this policy succeeded in reducing the waiting period, until, just prior to its abolition, it had dwindled to two days. The irony of the rigidity of the mandatory waiting period was that until September 1962, beer, at $10 a case, could be bought and taken from the East Coast Lodge. In addition, one long time resident mentioned that prior to the opening of the liquor outlet, some individuals resorted to purchasing alcohol by the case, directly from the distillers in the South. However, in his opinion, few people took advantage of this practice because few were aware that this could be done or knew how to go about it.

During 1965 or 1966, the East Coast Lodge went out of business as a result of complaints by the Department of National Health and Welfare. It is the opinion of one resident that until the opening in May 1970 of the Frobisher Inn, located in the Astro Hill Complex, and comprising a bar and lounge as well as a hotel, the sources of liquor were reasonably controlled by the liquor store and the private clubs. There were two clubs, the Frobisher Airport Recreation Association, known as the F.A.R.A., operated by the Ministry of Transport for its employees, associate members and their guests since 1961, and the bar at the Royal Canadian Legion, in business since 1964. Presently, we will describe the contemporary situation regarding these outlets as sources of liquor.

Regarding the volume of liquor sales in the entire community, in May 1974, a reporter from the *Inukshuk* estimated that 60 percent of all liquor purchases were made at the liquor store. In an examination of the trends in liquor sales for the Territorial Liquor Outlet in Frobisher Bay, from April 1st, 1962 to March 31st, 1974, excluding sales for the fiscal year 1961-1962, as it was only in operation for seven and one-half months, Table 10 illustrates that with the exception of sales for 1963-64, there were annual increases throughout the years, — 36.0 percent, 26.0 percent, 23.0 percent and 22.1 percent for 1965-66, 1966-67, 1967-68, and 1970-71, respectively. Though there

appears to have been a gradual decline in the annual percent increases after 1970-71, sales for 1973-74 have shown an upward swing of +14.3 percent as compared with +8.6 percent for 1972-73. As Table 10 shows, on the whole, liquor sales at the Frobisher Bay outlet have recorded annual percent increases exceeding those for the entire Northwest Territories. However, these increases are partially attributable to a rise in population and liquor prices.

In an evaluation of the annual increases in the volume of liquor sales, we must take into consideration that the sales for the Frobisher outlet also include sales made to the settlements and Dewline sites in the Eastern Arctic. However, during our discussion in Yellowknife with the General Manager of the N.W.T. Liquor Control System, it was learned that Frobisher's volume of sales to the Dewline sites was very limited.

Table 10

Liquor Sales for the Territorial Liquor Outlet in Frobisher Bay, NWT., 1962-1974[1]

Year April 1 - March 31	Sales	Annual percent change	Annual percent change for entire NWT
1962-63	180,735		
1963-64	180,594	− .1	+14.8
1964-65	189,160	+ 4.7	+ 9.3
1965-66	238,385	+26.0	+13.4
1966-67	324,232	+36.0	+17.7
1967-68[2]	398,748	+23.0	+10.2
1968-69	427,041	+ 7.1	+15.0
1969-70	491,864	+15.2	+20.1
1970-71	600,734	+22.1	+16.8
1971-72	705,780	+17.5	+16.4
1972-73[3]	766,133	+ 8.6	+15.2
1973-74[3]	875,642	+14.3	+13.4[4]

[1]We have used 1962-63 as our base year since, with the Frobisher Bay Liquor Outlet having opened in mid-August 1961, it was in operation only for 7½ months for the fiscal year, 1961-62.

[2]Selling price was increased 9%.

[3]Selling price was increased approximately 10%.

[4]Calculation based on an unrevised figure for the volume of sales, ending March 31, 1974.

Both the bar at the Legion, recently celebrating its 10th anniversary, and the F.A.R.A., are frequented by predominantly non-Inuit members and their guests. While complaints by members of the community have been levelled against all the drinking establishments at one time or another, only the F.A.R.A., in 1973, had its licence suspended for a couple of months until the licencing authority was satisfied that the operator and his staff were familiar with the liquor ordinances as well as with safety procedures. During this time, the club was also renovated. In June 1974, membership to the F.A.R.A., now no longer subsidized by the Ministry of Transport, was opened to all government employees. At the end of December 1974, the F.A.R.A.'s status underwent a further change whereby it now has a special occasion licence instead of its annual licence. According to one of the club's directors, this change will make it available to a greater number of people, removing the club's image as a common bar.

The only public drinking establishment is the bar and lounge of the Frobisher Inn, in the Astro Hill Complex. The hotel, in operation since May 1970, has been the target of a great deal of public criticism regarding its alleged inability to control the excessive drinking of some of its patrons. The latters' subsequent impairment has culminated in their involvement in incidents of assault or other negative behaviour within the confines of the mall or elsewhere. However, the management of the hotel has refuted these allegations, insisting that it is doing everything in its power to abide by the liquor ordinance. Furthermore, it feels that these criticisms are unjust and unfounded since the majority of liquor-related incidents in the mall or elsewhere are committed by intoxicated persons stopping in the mall to get warm or loiter while on the way home from the F.A.R.A. or Legion. There are also those who have been refused service at the hotel bar and subsequently become embroiled in an incident at the mall or who do so following a period of sustained consumption at home. Our observations have confirmed that several incidents correspond to the pattern described above. On the other hand, it must be said that the very location of the hotel and bar in the mall of the Astro Hill Complex has contributed to numerous liquor-related incidents involving patrons from the bar, which required police intervention.

Initially, the hotel bar was open nonstop between 10:00 a.m. to 1:00 a.m. However, in an effort to control a situation of unrestrained drinking, it changed its hours, opening at 12:00 noon and closing at 12:00 midnight, as well as closing for one hour in the evenings, between 7:00 p.m. and 8:00 p.m. This action was taken to encourage patrons to go home for supper. The main point of criticism against the hotel in particular, as well as to some extent against the other establishments, has been its alleged inconsistency in carrying out its responsibility of refusing to serve those already excessively intoxicated, as the regulations require. While we are unable to attest to the frequency of this alleged abuse by the licencee, from our observations, we can recall an incident supporting this charge which occurred during our presence in the hotel bar. On this occasion, when one of the barmen refused to continue serving a patron, who in his view was extremely impaired, the manager

overruled the barman and again served the patron. In another incident, while accompanying the police answering a call to assist one of the barmen in the ejection of an intoxicated Inuk, who had refused to comply with the request to leave the premises, we observed that the barman was also inebriated.

In an effort to facilitate the control of intoxicated Inuit patrons, both the hotel and F.A.R.A. have stated that their attempts to engage an Inuk as a doorman have been unsuccessful. One of the members of the hotel staff attributed this to the fact that, in his opinion, "they (Inuit) are unable to exert authority on each other or restrict abuses because of local pressures."

Regarding the drinking patterns of Inuit, we have observed that few drink alone and they generally tend to congregate in bars or at home. The latter is particularly the case for minors or those under 19 years of age. In a situation involving a group of minors unable to obtain liquor from their parents' homes or in the absence of an older companion, one Inuk teenager informed us that, if necessary, he would resort to engaging a person of legal drinking age for a 50 cent or one dollar 'service charge' to purchase the desired beverage at the liquor store.

Furthermore, observations have revealed that there are a number of habitual drinkers among Inuit who are susceptible to sporadic or impulsive 'binges', financed by whoever has the ready cash, occasionally in the hundreds of dollars, involving the participation of the entire group and lasting for days till the liquor runs out. This excessive and sporadic abuse of alcohol by certain individuals, termed by Wacko (1973) as "hazardous cultural drinkers" has very serious social and criminogenic, as well as medical and economic consequences.

There are certain characteristics of Inuit behaviour, when intoxicated, that increase the likelihood of police intervention. Inuit, while in a state of intoxication, may go into any house that is open in order to eat or lie down and sleep. Frequently, the occupants may resent this turn of events and react by calling the police. This appears to be one of the major differences between whites and Inuit while intoxicated. The non-Inuit will invariably return to his own house to sleep off the effects of the alcohol, whereas an Inuk tends to delay the conclusion of the evening's activities by intruding in other people's houses or by loitering in public places.

It is interesting to note that in contrast to previous years, observations during 1974 have indicated a decline in the number of patrons frequenting the private as well as hotel bars. It is the consensus of the drinking establishments that while their sales have decreased, those at the liquor store have risen. In part, this is supported by the volume of liquor sales recorded by the liquor store indicating a rise in sales of 14.3 percent for the year ending March 31, 1974, over the previous fiscal year. In our opinion, recent community concern regarding the social and criminogenic consequences of alcohol abuse, culminating in a plebiscite to decide on the further status of the liquor outlets in the community, perhaps has contributed to more discreet drinking patterns manifested in more liquor purchases for home consumption. However, in situations of excessive drinking, this shift from public to private consumption, in the absence of sufficient controls, is potentially as dangerous in precipitating incidents as is unrestrained drinking in licensed premises.

Observations have shown that alcohol generally affects individuals by lessening their inhibitions, accompanied by a display of greater familiarity in their interpersonal relationships, and sudden changes of mood that, depending on the amount of alcohol, may fluctuate between a sense of 'well being' and depression. There have been cases where the excessive and hazardous use of alcohol by a number of Inuit has resulted in significant behavioural changes during intoxication, and due to the impairment of their judgment and self-control, the situation has culminated in aggressive acts or other manifestations of anti-social behaviour. We have observed an association between a pattern of excessive drinking and a state of depression. For some individuals, alcohol abuse appears to be symptomatic of a particular state of mind, such as anxiety or depression, which may cause the individual to try to escape through alcohol. Accordingly, Le Dain (1973) cites evidence to support the belief "that persons with certain pre-existing psychiatric or neurological disturbances are more likely than others to become aggressive or violent when intoxicated" (p. 392).

Our experience in the field has acquainted us with several cases where the excessive use of alcohol may have precipitated the assault or violence, but the individual's state of mind prior to the intake of alcohol may have had some significance with regard to his or her behaviour. An illustration of assaultive behaviour is shown in the following incident.

An Inuit female, aged 21, who in the past had been known for her erratic and often violent behaviour under the influence of alcohol, severely battered her child while intoxicated. On the surface, it appeared that while sitting at home, she had become progressively intoxicated and on impulse assaulted her two year old child. However, a closer inspection of the incident revealed that the child was the offspring of a white man in a common law relationship. The father had left the community promising to return, but as yet had failed to do so. As his absence became more prolonged, her recourse to alcohol increased. The mother was charged with assault causing bodily harm. Her behaviour strongly reflected feelings of frustration and bitterness, and it would not be unreasonable to venture an interpretation of the beating as perhaps a displacement onto the child of the anger she felt

Table 11

Percent Distribution of Alcohol as a Factor in Offences Committed During 1972, for Total Convictions by Type of Court per Racial Group, Frobisher Bay, NWT

Alcohol a factor in the offence	Type of Court								Total convictions	
	Justice of the Peace				Magistrate's + Supreme (NWT)					
	Eskimo		Non-Eskimo		Eskimo		Non-Eskimo			
	N	%	N	%	N	%	N	%	N	%
Negative	17	5.2	26	46.4	1	2.0	2		46	10.4
Charge in violation of the liquor ordinance (NWT)	199	60.5	9	16.1					208	47.2
Intoxicated at the time of the offence or contributing to juvenile delinquency by supplying to a minor	67	20.4	11	19.6	38	74.5	1		117	26.5
In search of liquor and/or goods to exchange for alcohol					6	11.8			6	1.4
Not known	46	14.0	10	17.9	6	11.8	2		64	14.5
Grand total	329	100.1	56	100.0	51	100.1	5	100.0	441	100.0
Total: Alcohol a factor in the offence	266	80.9	20	35.7	44	86.3	1		331	75.1

about her husband's departure. This example has two basic components which have been witnessed frequently within the community: feelings of frustration or futility about one's situation, coupled with the use of alcohol, culminate in an assaultive act.

While we were unable to establish the existence in 1972 of any Inuit alcoholics, recent discussions with medical authorities at the local hospital have revealed that there are about six individuals, who, ranging in ages from their late 30's to mid-40's, have a chemical dependency on alcohol. Significantly, it is the opinion of one physician that the behaviour of this group rarely warrants the intervention of the police. He felt that those coming to the attention of the socio-legal agencies tended to be individuals in their early 20's, apprehended as a result of some rather bizarre behaviour while in a state of extreme intoxication.

Alcohol as a factor in crime

Discussions with those engaged in socio-legal control in Frobisher Bay have ascertained that the majority of infractions are liquor related. Specifically, in addition to violations of the Territorial Liquor Ordinance and charges for impaired driving, alcohol has been a predominant factor in physical and sexual assaults, property offences such as wilful damage, petty theft, or breaking and entering, while intoxicated, to search for liquor or goods to exchange for alcohol.

However, the final report of the Le Dain Commission of Inquiry into the Non-medical Use of Drugs (1973) confirmed the pervasiveness of the relationship of alcohol and crime elsewhere in Canada, particularly in petty thefts, other crimes against property, assaults and minor disturbances, as well as in the more serious offences against the person and sex crimes, such as homicide, rape and incest. Furthermore, the results of a study documented in the final report, "concluded that an abnormally high proportion of excessive drinkers had committed crimes against the person, and a lower proportion had committed crimes against property" (p. 403). In our opinion, these patterns in the relationship of alcohol and crime are reflected in the circumstances surrounding deviance in Frobisher Bay.

Any evaluation of the incidence of criminality in Frobisher Bay will reveal that the majority of offences are against the Territorial Liquor Ordinance, particularly under section 77(1) stating that "no person shall be in an intoxicated condition in a public place." For example, Table 7, which excludes violations under section 77(1) of the Liquor Ordinance, since no prosecution for public drunkenness can be instituted except with the approval of the Commissioner, has indicated that liquor offences during 1972 comprised 50.3 percent of the total number of charges. In his description of the relationship of alcohol and crime in Frobisher Bay, Ellis (1973) stated that during 1972, the local R.C.M.P. detachment recorded a total number of 1,285 detentions under the Liquor Ordinance, involving 436 individuals with a frequency of the number of detentions per person ranging from one to twenty-eight.

Regarding our own evaluation of the relationship of alcohol and crime, Table 11 illustrates the percent distribution of alcohol as a factor in offences committed during 1972 for the total number of convictions per racial group. Of the total number of convictions for offences committed during 1972, alcohol was a factor in 75.1 percent of this total, with a significant concentration of 47.2 percent in violations of the Liquor Ordinance, 26.5 percent in cases where the accused was intoxicated at the time of the offence or had contributed to juvenile delinquency by supplying to a minor, and 1.4 percent in situations where the motive for the offence was the search for liquor and/or goods to exchange for alcohol.

With respect to summary convictions appearing before the Justice of the Peace Court, for offences committed by Inuit, alcohol was a factor in 80.9 percent of the total, 60.5 percent and 20.4 percent comprising charges under the Liquor Ordinance or as a result of being intoxicated at the time of the offence or having contributed to juvenile delinquency by supplying to a minor. Regarding the distribution of alcohol as an element in summary conviction offences committed by non-Inuit, alcohol was involved in only 35.7 percent of the total number of cases with 19.6 percent and 16.1 percent resulting from the accused's intoxication at the time of the offence or his contributing to juvenile delinquency by supplying to a minor or acts contrary to the Liquor Ordinance.

In a consideration of the distribution of alcohol as a factor in crime in summary conviction offences appearing before the Justice of the Peace Court, per racial group, the incidence of alcohol in these offences, committed by Inuit, comprised 80.9 percent of the total as compared with only 35.7 percent for non-Inuit, with Inuit significantly over-represented in Liquor Ordinance violations, constituting 60.5 percent as compared with 16.1 percent, while relatively similar to the percent distribution, 20.4 percent as compared to 19.6 percent, in situations where the accused was intoxicated at the time of the offence or had contributed to the juvenile delinquency of a minor by supplying liquor.

However, regarding the distribution of alcohol as an element in the more serious or indictable offences appearing before Magistrate's and the Supreme Courts, per racial group, the small number of non-Inuit offenders at this level does not permit any comparison. Nevertheless, alcohol was a significant factor in indictable offences committed by Inuit, comprising 86.3 percent of the total, with a concentration of 74.5 percent in cases where the person was intoxicated at the time of the offence, followed by 11.8 percent where the motive for the offence was the search for liquor and/or goods to exchange for it.

Due to the limitations in judicial documentation of the circumstances surrounding the offence, we were unable to ascertain the incidence of alcohol as an element in the offence for 14.5 percent of the total number of convictions. However, if we had been able to consult police records, particularly concerning such incidents as causing a disturbance by fighting or wilful damage, or wherever we suspected the involvement of liquor, it is our opinion that the percent distribution of alcohol as a factor in offences would have exceeded our present tabulation of every category.

On the surface, it appears that recent community concern and action regarding measures to reduce the social and criminogenic consequences of the abuse of alcohol has succeeded in reducing the incidence of certain liquor offences. For example, a comparison of the percentage of persons detained at the local R.C.M.P. detachment lockup for public drunkenness under section 77(1) of the Liquor Ordinance, from January 1st to September 30th during 1972, 1973, and 1974, has revealed an insignificant increase of .1 percent in the number of persons detained for 1973 over a similar nine month period in 1972, and a dramatic decline of 112.1 percent for 1974 over 1973. However, as mentioned previously, it is difficult to ascertain whether this is an indication of less actual drinking or more covert drinking patterns wherein the incidence of public consumption has been replaced by drinking in the privacy of one's home. The absence of any controls over drinking in privacy may contribute to a rising frequency in household disturbances warranting police action, rather than those in public places.

Prior to a presentation of several cases illustrating the relationship between alcohol and crime, we would like to clarify one point regarding the consequences of excessive drinking among Inuit and non-Inuit. Though we have observed situations of excessive intoxication among both Inuit and non-Inuit, it appears that the use of alcohol has greater criminogenic as well as social, medical and economic consequences for Inuit. However, while the drinking problems of non-Inuit may rarely necessitate police intervention except in cases involving impaired driving, assaultive behaviour in licensed premises, or contributing to juvenile delinquency by supplying liquor to Inuit female minors for the purpose of seduction, the consequences of excessive drinking may be reflected more in a deterioration in their physical and mental health, in the stability of family relationships, as well as in their ability to continue the performance of their daily tasks competently

Presently, we will describe several incidents and patterns of deviant behaviour to illustrate the criminogenic role of alcohol in cases of assault, theft, and the sexual exploitation of Inuit.

A. Assaultive behaviour

With respect to the general range of day-to-day emotional interactions, Inuit tend to repress their emotions, with no visible expression of how they feel about a situation until it has reached a critical stage, when a form of explosive behaviour may be the result. This aggressive behaviour, which emanates from a situation of cumulative stress, appears to be unmasked or disinhibited by alcohol. Accordingly, many people within the community are of the opinion that alcohol is a precondition for aggressive behaviour.

Previously, we showed that a significant proportion of incidents coming to the attention of the authorities arose out of assaultive behaviour released while an individual was intoxicated. Observations indicated that assault perpetrated on wives by husbands, and on children by either parent, is on the increase. It is a rather frightening trend, in that traditionally, the Inuit have been known for their tremendous affection for their children, but this has broken down in Frobisher Bay. Many wives and children have often been the victims of assault by their husbands or fathers. Some cases are subsequently dealt with at the judicial level, but many incidents do not come to the attention of the police, or when they do, are not followed up due to the unwillingness of the victim to press charges. This is attributable to the fear of reprisals, which is a constant threat, since the police are not able to provide adequate protection in all cases.

In discussion with the medical staff, which comes in frequent contact with victims of an assault requiring treatment at the hospital, they were of the impression that child beating cannot be equated with the battered child syndrome that exists in the south. The latter involves the systematic beating of the child. However, indications are that the situation in Frobisher Bay is one where wives and children are severely beaten only when an incident occurs which has been stimulated or aggravated by the use of alcohol. Observation of other settlements revealed that this rarely happens where there is no alcohol present, or is restricted. There are reasonable grounds to suspect that some latency or ambivalence was present within the individual prior to his intake of alcohol that transformed the situation into an act of physical aggression when he became intoxicated. The extent of violence used on the victim, and under what circumstances, can be illustrated by the following two cases, one of child beating and the other of an assault upon a wife.

Case 1. The incident involved the assault by a 21 year old Inuit mother on her child. Evidence presented in court revealed that on the day of the attack, the mother had been under a great deal of emotional stress which was compounded by the use of alcohol. On that day, she had just learned that her common law husband was not returning to her. She became upset and displaced her anger onto the child. On impulse, she proceeded to slap the child several times and then knock her on the floor, whereupon the child suffered several bruises and a fracture in the back of the head. Medical testimony at the proceedings revealed that the incident stemmed from a behavioural disturbance, and alcohol misuse was regarded as a symptom of her disease.

Case 2. This was a case of assault by a 40 year old Inuk on his wife. The information given in court was that the accused had been drinking for some time when he ordered his wife to get some more liquor. When she replied that she did not have enough money and that the liquor outlet was closed, he repeated his command twice. His orders not having been obeyed, he started to pull her hair and to hit her with a chair. Then he seized a metal bar from the stove and struck her with it on the back and on the head. Subsequent to this, he took the iron bar and jammed it into her vagina, all the while berating her for her recent sexual relations with another man. He kept knocking her on the head repeatedly and terminated the assault by thrusting her into the stove. Evidence indicated that there was a drinking problem in the household and that the wife was also intoxicated at the time of the offence. The accused admitted that he has had difficulty in controlling his behaviour while under the influence of alcohol and that inevitably his drinking culminated in violence.

Paradoxically, in incidents of wife beating, despite the savagery of the assault, the woman frequently wants to remain with her spouse. Discussions with an Inuit informant indicated that some Inuit women will accept their man in spite of the violence to which they have been subjected. Indeed, this occurred in the case previously cited; the wife expressed the desire to remain with her husband if he were not incarcerated. However, the Magistrate sentenced him to one year in the Yellowknife Correctional Institution. Soon after, the wife lapsed into a severe state of depression and showed no desire to continue to live without her husband.

B. Theft

Generally, the articles stolen are not of great value, and the act is frequently committed while the individual is in a state of intoxication. Inuit appear to be starting to commit acts of theft among themselves as well as stealing from unknown persons or commercial enterprises. With respect to the latter, there has been a great deal of shoplifting in the Hudson's Bay Store and another dealing in general merchandise.

The following description will detail the range of the shoplifting problem. The new Bay store in the complex has an open display and a self-service arrangement. In 1972, the management estimated that 2 percent of the total volume of sales, or $20,000 was lost in theft. The stolen merchandise generally consisted of jewelry, tools, footwear, skidoo parts and fishing tackle. Shaving lotion, hair spray and airplane glue were taken in such quantities that a year's supply of these sub-

stances, as well as nail polish remover, were missing within a couple of months. To combat this situation, the management ordered these articles placed under the counter.

The thefts appeared to be committed mainly by the transient white labour population and Inuit teenagers. There is no sign warning people that shop-lifters will be prosecuted. The erection of such a sign was thought to be offensive to the general shopper. However, some preventive measures have been implemented, such as the changing of lunch hours so that the store would be closed during the school's lunch break.

The general policy has been to lay charges against those caught shoplifting. The technique of apprehension and the requirement of sufficient evidence from two eye-witnesses in order to constitute a proper case have limited the successful prosecution of those involved in such activity. In 1972, of an approximate total of 30 persons, only eight or nine were charged. An added difficulty is the fact that the hotel bar is located near the store, and it is not unusual to have an individual in a state of intoxication wander into the store and steal some article. It is felt that shoplifting will keep increasing as the techniques of the northern shoplifter become more sophisticated.

Aside from the problem of shoplifting from the local stores, the incidence of breaking and entering, as well as theft under $200, has increased, principally involving intoxicated persons forcing their entry into homes or commercial enterprises, such as the Arts and Crafts Centre at the airport, to take carvings or other goods to exchange for alcohol. In addition, theft of motor vehicles, particularly of snowmobiles, generally on an intoxicated person's sudden impulse to go for a ride without the permission of the owner, has increased.

C. The sexual exploitation of Inuit

We have been engaged in a discussion of the incidence of crime which tends to come to the attention of the police and the courts as the result of a violation of specific laws. However, there are other forms of behaviour of which the police and other concerned authorities are aware, but where intervention is rather difficult. It is the belief of several individuals engaged in socio-legal control that there is a strong tendency for persons from the outside to take advantage of Inuit, mainly by seduction through alcohol. Accordingly, though these forms of behaviour may be considered anti-social or even destructive, they do not permit the involvement of the police until a complaint has been lodged or a law has been violated. Generally, the police have found it difficult to proceed in these areas except in situations involving the supplying of liquor to a minor or contributing to juvenile delinquency.

To illustrate, we can cite the example of the sexual exploitation of Inuit females by whites. Many of these females willingly enter into these relationships, much to the chagrin of their families, the authorities and other concerned individuals, but no action can be taken unless the female makes a complaint of indecent or physical assault, which is rather infrequent, or unless she is found to be under age. This type of behaviour can be considered deviant and has become an issue of contention within the community; much animosity is harboured against white males so involved.

Though we have been informed of occasional instances where transient white, and to a lesser degree, Inuit females, have been engaged in prostitution, there are no indications of the existence of organized prostitution in the community. However, some Inuit teenage females loiter about the entrance of the high rise apartments or hotel in the hope of attracting the attention of some white passer-by who will take them in for the night. Regarding these transitory and highly exploitive relationships, during our observations, we have been able to discern two categories of Inuit females who enter into relationships with whites. However, we wish to point out that these categories are neither inclusive nor intended to imply that all relationships between white males and Inuit females take on the negative characteristics of the patterns about to be described.

First, one type comprises those described above, who tend to be in their middle or late teens. The other type consists of females in their late teens or early twenties who congregate at the drinking establishments and social gatherings in an attempt to attract white males. The two types can generally be distinguished by the initiation and duration of their relationships with whites.

With respect to the first group, the girls are welcomed into an individual's apartment for an overnight period or less, with sexual intercourse the desired object. Having achieved intercourse with the girl, who has often been seduced with the aid of a large intake of alcohol, the man ungraciously ejects her from the premises. With the second type of female, who may be met at a social or other gathering, sexual relations are the desired objective, but not infrequently, a relationship of some substance develops wherein the girl may live with the man for a period of weeks or months. The distinction between the types depends largely on the situation in which the girl was initially contacted. The first type of female generally requires no commitment on the part of the white male. With a minimum of effort, coupled with alcohol, she is convinced to make love and soon after, the relationship is terminated. It is strictly a "one night" stand, though a repetition of this type of relationship may occur with the same female over a period of time. In the other situation, circumstances more closely approximate the conventional male-female encounters where a selection process occurs, followed by mutual appraisal and appropriate flattery, all within a social setting.

The question remains as to the reasons for this type of behaviour. There is no significant amount of emotional or sexual interaction between Inuit males and white females, but some Inuit females are drawn willingly into sexual relations with white men. This has been attributed in part to their great esteem for the superficial aspects of the white culture manifested by its mobility, dress, life style, etc. Frequently, more than the Inuit males, they entertain thoughts of escaping their milieu of inadequate housing, domestic and other problems; these hopes may be exploited by the white man, who, in order to achieve his ulterior motives, assumes the role of the white knight offering refuge to the damsel in distress. All too often, however, the sincerity of the white man is found wanting once his objective has been achieved.

While we have not been able to substantiate the etiology of this behaviour, one Inuit female believed that this behaviour, which in her opinion was pleasure orientated, was due to the inability of some females to successfully identify with the female role dictated by Inuit culture. Specifically, she explained that:

these girls are looking for affection and attention which is offered by whites — but they are not going to them because they are white. Many of those involved have an alcohol problem and just haven't succeeded in belonging to Inuk female. So at this stage in life, they gain enjoyment from being different by searching for fun like alcohol and sex.

Accordingly, it appears that some of these relationships may be ones of mutual exploitation. The female, who may be very lonely or depressed about her lot, enters into the relationship with the bestowal of sexual favours not only for the physical, but also emotional and material gratification she derives from it. Though the relationship may be transitory, she may feel that it is better to live for the present than worry about the future.

The white male's lack of concern for the Inuit female as a person may stem in part from the girl's failure to restrict her sexual activities to one, or a limited number of partners. The frequent interchange of partners, the possibility of pregnancy, having a child, or the threat of venereal disease does not result in any significant rejection of the girl, nor are these things of great concern to her personally. Perhaps we can illustrate this point with a conversation with a group of white males regarding their sexual activities with Inuit females.

The conversation involved several white males in their late teens. They believed that Inuit females derived a certain amount of prestige from their relations with them. They said that the lack of white females was a problem, with the result that they had sexual intercourse with Inuit. They added the comment that going out with a white girl involved too many risks. The size of the community was such that everyone knew everyone else's business and gossiped a great deal, and if a white girl became pregnant, the repercussions were somewhat more serious. However, they felt that people did not care if one had sexual intercourse with an Inuk, or caused her to become pregnant. In addition, the vulnerability of the Inuit female, combined with her lower level of apprehension about the sexual act as compared with the white female, made it easier for whites to seduce Inuit females. All the boys present had had sexual intercourse with Inuit females. One of the boys cited an instance where in the midst of lovemaking, the girl shouted "All you are doing is using me sexually." He admitted to this, but felt there was no way he was going to become emotionally attached to an Inuit female who, he believed, would continually seek out other bed partners besides himself. As a result, he felt he was not prepared to become emotionally involved in the relationship.

Observations within the community indicate that the sexual exploitation of Inuit female teenagers during their formative and vulnerable years can result in the onset of a destructive cycle. There is a high turnover of partners because of the exploitive nature of the relationship which means that it is terminated when sexual relations have been achieved by the white man. However, involvement and subsequent loss may be a continuing pattern for three or four years. The danger lies in that the cumulative effect of these terminations may permanently distort their concept of marriage and male-female relationships. This destructive process is further aggravated by the excessive and prolonged use of alcohol.

One point that bears mentioning is the behaviour of the white men in their sexual relations with these females. It appears that the transitory character of the relations, as previously described, stimulates sexual aberrations in these men. Information gleaned revealed that the spectrum of aberrations includes the participation of two or more males with one partner, the brutalization of the vaginal and rectal orifices with foreign objects, the use of these girls as models for obscene photographs, the violation of young teenagers by men in their thirties and older, etc. These instances have been brought to our attention, and while the extent of these practices is difficult to ascertain, it is not difficult to sympathize with those within the community who are concerned and advocate some intervention by the authorities on behalf of the physical and emotional welfare of the girls.

Our impression was that the limited repercussions within the community, at both a formal and informal level, have encouraged some whites to become involved in promiscuous behaviour. Their transitory residence in the North and the community's lack of influence in the curtailment of their activities, have perhaps given them the idea that the milieu, devoid of risk and consequences, is appropriate for the consummation of sexual phantasies they only thought of when in the south. The accessibility as well as the

vulnerability of these girls, coupled with their failure to inform the proper authorities of the aberrations to which they are subjected, perpetuates this type of behaviour. We do not imply that all the sexual relationships engaged in by whites with Inuit females involve their sexual or physical abuse, but the number is significant enough to warrant some further investigation into this form of deviance.

One must realize that without the cooperation of the females involved, the authorities concerned are helpless to intervene. Some of these females give the impression that compliance with the variations in sexual tastes of their white partners may temporarily provide the emotional and material gratification they are seeking. Accordingly, they may continue their cooperation for fear of rejection or physical reprisal which would result in the premature termination of the relationship. In conclusion, it is not difficult to envisage the rivalry, and especially the animosity, that is harboured by the Inuit male toward the white male for his intrusion into Inuit male-female relationships.

A significant factor contributing to the incidence of sexual and other forms of deviant behaviour has been the inability to effectively police the loitering and congregation of intoxicated persons throughout the evening in the mall area of the Astro Hill Complex. However, during the spring of 1974, the construction of a series of iron gates, barring passage through the mall in the late evening, was completed, which, along with the implementation of further security measures, has had the intended effect of immeasurably reducing the likelihood of troublesome incidents within the confines of the mall or corridor connecting the two high rise apartments.

With respect to homosexuality, informants have indicated the existence of this type of behaviour where white males select Inuit boys as their sexual objects. Furthermore, we have been informed of the existence of heterosexual pedophiles whose sexual gratification is derived from the selection of very young Inuit females as sexual partners. In addition, it appears that instances of homosexual pedophilia exist where a significant age difference is similarly in evidence, but the relations are between a white man and an Inuit boy or teenager. Some information indicates the occurrence of situations involving two white males and an Inuit female where one of the males, being a homosexual, derives his satisfaction from the other male while participating in sexual relation involving all three. However, the incidence of homosexuality among whites as well as Inuit has not been verified as to whether it exists in significant proportions. Authorities within the community have their suspicions about certain individuals in this direction, but there is difficulty in acquiring evidence and thus a lack of proper grounds for prosecution.

Incest is another form of deviant behaviour whose incidence is difficult to ascertain. Cases have come to light when medical authorities have confirmed a pregnancy or a case of venereal disease. Upon subsequent inquiries, the girl may admit that she has been having intercourse with her father or another member of the family, but steadfastly refuses to press charges, thereby limiting the intervention of the police.

In conclusion, we would like to mention that in addition to the recent concern expressed by the Inuit community regarding the destructiveness of alcohol abuse, there has been discussion of possible measures to invoke in order to deal with those transient whites whose disruptive actions warrant community intervention.

Trouble Spots in the Community

Aside from the drinking establishments, the other areas of congregation in the community that have occasionally sparked incidents requiring police intervention are the mall in the Astro Hill Complex and the Palace Theatre, and more recently, the newly constructed arena in the Anakudluk Municipal Centre.

The mall area of the Astro Hill Complex is a favourite place to congregate, particularly for teenagers and young Inuit adults in varying states of inebriation. This problem deserves some mention.

Until the completion of iron gates in the spring of 1974, police intervention reached significant proportions within the confines of the mall. The hotel bar is in this area, as well as the entrances to the two apartment buildings. It was not unusual for patrons of the hotel bar, along with other drunken individuals, to become embroiled in fights among themselves or assaults on passers-by. Generally, few whites congregated in the mall area during the late evening. This was the one area where whites might be subjected to verbal abuse and other forms of harassment by groups of Inuit.

There has been a significant amount of vandalism in the mall area. The walls in particular were smeared or defaced with the usual four letter words so characteristic of the grafitti evidenced in the south. The incidence of this type of behaviour decreased when a project was initiated involving the Inuit teenagers in the painting of murals on these walls. Since then, the defacing of walls has been kept to a minimum, but prior to this, they had to be repainted regularly.

Within the mall area, at about 1:00 a.m., one would frequently find a greater proportion of Inuit females than males. Though there is no prostitution on any formal or organized level, as mentioned previously, there were some girls who, while in a state of intoxication, would occasionally block the way of a male passer-by, usually a white, and attempt to engage him in conversation, all the while implying a willingness to have sexual relations if the male so desired. This

type of soliciting was a particular problem for individuals going to and from their apartment residence. Money or cigarettes were also frequently requested on a hand out basis. It was a common occurrence to see female teenagers or others loiter about the entrances of the apartment buildings or hotel, just off the mall area, and attempt, often successfully, to follow a person going into the building. Before the main doors, which require a key, were installed, people used to walk into the residence, and knock on the apartment doors attempting to harass some of the tenants. Often these intruders would pass out in a drunken stupor in the halls, be sick or urinate on the carpets. However, the installation of locks on the main doors reduced the incidence of these occurrences, though it did not stop them completely.

Discussions in 1972 with the maintenance staff of the complex revealed that windows and locks were occasionally broken. The situation in the mall had reached such chronic proportions that in January 1972, the Hamlet Council of Frobisher Bay passed a curfew for the mall area to the effect that all unauthorized persons must vacate the premises by 1:00 a.m. One can well imagine the logic of this measure, for with the tendency of intoxicated Inuit to congregate in the mall, or seek refuge there from the cold during the winter time, it had become an unsupervised shelter or "crash" centre.

However, the disruptive behaviour of a small group of troublemakers, characterized mainly by incidents of vandalism and assaults, reached such proportions that the owners of the private mall, allegedly in response to pressure from administrative and control sectors in the community, decided to construct iron gates that would restrict the use of the mall to days and early evenings. Other suggestions made to control the problems in the mall comprised more effective police action and a lowering of the temperature to 40°F to discourage loitering. However, the position of the police regarding the control of the mall was that while they had a responsibility to investigate crimes, they were unable to be continually involved in patrolling the area to ensure the protection of people and property.

There was an outcry by both Inuit and non-Inuit residents against being penalized for the actions of a few, but the barriers were finally in operation by the spring of 1974. In addition, four security guards were hired to police the area and man a control kiosk constructed near the entrance to one of the high rise apartments, enabling them to monitor those going in and out. It is the opinion of many, and supported by observation, that these measures have contributed to a reduction in the number of incidents in the high rise apartments and mall.

In spite of the resentment against the new barrier, often referred to as the "High Rise Institute" or "Zoo", the community, though somewhat begrudgingly, appears to have accepted the new security arrangements.

The Palace Theatre, recently renovated to include a snack bar, discotheque and billiard room, catering mainly to teenagers since it has no liquor license, has warranted only limited police intervention for occasional occurrences of minor liquor violations.

With the completion of the ice arena for public use during the winter of 1974, several incidents of vandalism and nuisance behaviour, attributed to some children and young adults, have occurred. While we did not observe any incidents involving the destruction of property, we did notice that the belligerent behaviour or rowdiness of some intoxicated persons, in attendance at hockey games, several times nearly culminated in an altercation.

Some residents have expressed their concern about the abuse of this new public recreational facility by a few irresponsible individuals. In the words of one member of the staff of the village office, located along with the arena and fire station in the Anakudluk Municipal Centre, "we do not want people to use it (the arena) as a hangout or a second mall." Accordingly, while it is not the desire of the staff to function in an enforcement capacity with regard to "troublemakers", one authority at the village office stated that he "would not hesitate to call the police to throw an individual out."

It is anticipated that the village council, in response to community pressure, will seek to institute any required measures for the effective control of the arena before the situation gets out of hand.

The Non-medical Use of Drugs

According to some knowledgeable informants, the emergence of the non-medical use of drugs in the North commenced during the middle 60's with the use of cannabis, commonly referred to as marijuana and hashish, in Whitehorse, in the Yukon, and within a period of two years, its use had proceeded eastwards to Yellowknife, N.W.T. The oral use of d-lysergic acid diethylamide-25, known generally as LSD or 'acid', categorized as a potent psychedelic-hallucinogenic drug, apparently began about 1969.

Prior to our account of the introduction of the non-medical use of drugs in Frobisher Bay, we would like to briefly comment on the extent of the inhalation and drinking of volatile substances, comprising solvents and gases. The prevalence of this problem in Frobisher Bay and elsewhere in the Baffin Region, at least to our knowledge, was first documented during the proceedings of the Annual Conference of Justices of the Peace held in Yellowknife during 1968. At that time both the Justices of the Peace from Frobisher Bay and Cape Dorset expressed their concern regarding the inhalation of glue as well as the oral consumption of hair spray, gasoline, and starter fluid, particularly by juveniles, which in their opinion, had been going on for several years.

Inquiries into the existence of drugs in the community, and how long they have been available, received rather sketchy accounts. However, it appears that marijuana and hashish made their entry during the late sixties, followed in 1970 by experimentation with the psychedelic drugs, LSD and mescaline. Presently, the non-medical use of drugs is concentrated on marijuana and hashish, along with some experimentation with mescaline, LSD, and MDA and reportedly, with cocaine as well. However, the use of heroin has not been ascertained. With respect to volatile substances, their use appears to be at a minimum.

While the police have recently stepped up their surveillance over the non-medical use of drugs among Inuit as well as whites, it is our impression that its use, generally restricted to marijuana, is limited and has not become a significant alternative to drinking for the vast majority, or approached the role of alcohol as the major factor in crime. The main factor contributing to this state of affairs is that supplies must be brought in from the South and this involves certain risks. In consequence, police surveillance and the verification of suspicions about an individual's involvement in drugs have not been difficult.

The emergence of this experimentation with drugs, generally confined to marijuana, among Inuit youth, has been attributed to their emulating whites who have introduced them to it during mixed racial social gatherings, their desire enhanced by an increasing exposure to television programs and the recent movies such as 'Woodstock' and 'Superfly', glorifying its use and the values of the 'pop culture'. However, on the whole, there does not appear to have been any significant transference among Inuit from alcohol to drugs.

Offenders

We will now discuss the findings of our descriptive statistics regarding persons convicted for offences committed during 1972 by offence type and number of convictions per racial group, age and sex. Qualitative details describing the relationship of these social variables and patterns of deviant behaviour will be explored more fully elsewhere.

First, we should note that though the rate for all convicted persons 18 years and over for 1972 was 141/1,000, the rate for the number of convicted Inuit was 186/1,000, far exceeding the rate of 78/1,000 for non-Inuit.

In an examination of the number of persons convicted by the number of offences, Table 12 reveals that of a total of 206 convicted persons, comprising 79.1 percent Inuit and 20.9 percent non-Inuit, 57.8 percent were convicted of one offence as compared with 42.2 percent convicted of more than one offence during 1972. The number of convictions for the majority of those convicted for more than one offence did not exceed two and three each. Regarding Inuit males convicted, according to the number of offences, 53.3 percent were convicted for one offence while 46.7 percent were found guilty of more than one offence, generally not exceeding two and three. Though the figures are rather small, Inuit females convicted of one offence comprised 51.2 percent as compared with 48.8 percent for those convicted for more than one offence, corresponding to the percentages for Inuit males. Similarly, the problem of the limited size of the group also applies to the number of non-Inuit males convicted, though they are over represented in the percentage of those convicted for one offence, comprising 76.7 percent, and under represented in those convicted for more than one offence, comprising 23.3 percent, when these figures are compared with those for Inuit males and females in the same categories.

Regarding persons found guilty, by the number of offences, convicted for offences committed during 1972 per racial group by sex and age, Table 13 reveals that of all persons convicted, those between the ages of 20 to 24, 16 to 17, and 25 to 29 comprised the major groups, or 61.6 percent of persons convicted of one or more offences, and mainly concentrated in the 20 to 24 age bracket. The pattern is somewhat similar among convicted Inuit males by the number of offences and age group, those between the ages of 20 to 24, 25 to 29, and 16 to 17, representing the majority found guilty of one offence, with a significant proportion of persons in the 20 to 24 age bracket convicted of more than one offence exceeding the number convicted of one offence, whereas the number of those between the ages of 25 to 29 found guilty of more than one offence was equal to the number convicted for one.

With respect to the limited number of convicted Inuit females, those convicted of one offence involved females between the ages of 16 to 17 and 20 to 24, with those convicted of more than one offence concentrated in the 16 to 17 and 18 to 19 age brackets. However, the majority of convictions among Inuit females were found to be in the 16 to 17 age group. Though the number of non-Inuit offenders is also small, we were able to ascertain that the majority of persons convicted of one offence were in the 25 to 29, 20 to 24 and 50 to 59 age groups, with those 20 to 24 and 25 to 29 representing the major groups found guilty of one or more offences.

In an examination of persons convicted for one offence, committed during 1972, by offence type per racial group by sex, Table 14 illustrates that of 119 persons, comprising 72.2 percent Inuit and 27.8 percent non-Inuit, the majority of persons were found guilty of either liquor, motor vehicle, and to a lesser degree, against the person and sexual offences, representing 45.4 percent, 31.9 percent and 15.1 percent, respectively. Regarding offence types per racial group by sex, of Inuit males who committed one offence, constituting 74.4 percent of the total Inuit offender population, the infraction focused significantly on liquor and moderately on motor vehicle and against

the person and sexual offences, whereas Inuit females, representing 25.6 percent of the Inuit offender group, were more involved in liquor and against the person offences. However, in a comparison of Inuit males and females with non-Inuit males, the latter were over represented in motor vehicle offences and under represented in liquor and against the person and sexual offences.

Table 12

Persons Convicted by Number of Offences, for Offences Committed During 1972, per Racial Group by Sex, Frobisher Bay, NWT

Number of offences	Eskimo				Non-Eskimo		Total	
	Males		Females		Males			
	N	%	N	%	N	%	N	%
Persons convicted of one offence	64	53.3	22	51.2	33	76.7	119	57.8
2 offences	18	15.0	5		6		29	14.1
3 "	15	12.5	5		2		22	10.7
4 "	11	9.2	4		1		16	7.8
5 "	4	3.3	3				7	3.4
6 "	4	3.3	1		1		6	2.9
7 "	2	1.7	1				3	1.4
8 "	2	1.7					2	1.0
10 - 15 offences			2				2	1.0
Total persons	120	100.0	43	100.0	43	100.0	206	100.0
Persons convicted of more than one offence	56	46.7	21	48.8	10	23.3	87	42.2

Table 13

Persons Convicted by the Number of Offences, for Offences Committed During 1972, per Racial Group by Age and Sex, Frobisher Bay, NWT

Number of offences	Age distribution per racial group by sex										Total
	16, 17	18, 19	20-24	25-29	30-34	35-39	40-44	45-49	50-59	60 +	
	Eskimo males										
Persons convicted of one offence	12	7	14	13	8	4	2	1	2	1	64
Persons convicted of more than one offence	2	5	23	13	4	4	3	1	1		56
2 offences	1	1	4	3	3	2	2	1	1		18
3 "		1	9	4	1						15
4 "	1	3	6				1				11
5 "			2	1		1					4
6 "			1	3							4
7 "				1		1					2
8 "			1	1							2
Total persons	14	12	37	26	12	8	5	2	3	1	120
	Eskimo females										
Persons convicted of one offence	8	3	5	1	4			1			22
Persons convicted of more than one offence	11	6	1	2	1						21
2 offences	1	2		1	1						5
3 "	4	1									5
4 "	2		1	1							4
5 "	2	1									3
6 "		1									1
7 "	1										1
10 - 15 offences	1	1									2
Total persons	19	9	6	3	5			1			43
	Non-Eskimo males										
Persons convicted of one offence	4		7	8	3	2	3	1	5		33
Persons convicted of more than one offence		1	3		3	2		1			10
2 offences			2		2	1		1			6
3 "		1			1						2
4 "						1					1
6 "			1								1
Total persons	4	1	10	8	6	4	3	2	5		43
	All persons										
Persons convicted of one offence	24	10	26	22	15	6	5	3	7	1	119
Persons convicted of more than one offence	13	12	27	15	8	6	3	2	1		87
2 offences	2	3	6	4	6	3	2	2	1		29
3 "	4	3	9	4	2						22
4 "	3	3	7	1		1	1				16
5 "	2	1	2	1		1					7
6 "		1	2	3							6
7 "	1			1		1					3
8 "			1	1							2
10 - 15 offences	1	1									2
Grand total	37	22	53	37	23	12	8	5	8	1	206

Table 14

Persons Convicted of one Offence, Committed During 1972, by Offence Type per Racial Group by Sex, Frobisher Bay, NWT

Offence type	Eskimo		Non-Eskimo	Total	
	Male	Female	Male	N	%
Against the person + sexual offences	10	6	2	18	15.1
Against property	4		1	5	4.2
Motor vehicle	14	1	23	38	31.9
Liquor offences	35	15	4	54	45.4
Drug offences	1		3	4	3.4
Total	64	22	33	119	100.0

Regarding persons convicted for one offence, committed during 1972, by offence type per racial group, sex and age, Table 15 indicates that of a total of 119 persons, the majority of offenders, that is, 60.5 percent, are between the ages of 20 to 24, 16 to 17, and 25 to 29, with a concentration of motor-vehicle and liquor offences for those 20 to 24, liquor offences for those 16 to 17, and motor-vehicle, liquor and against the person and sexual offences for those 25 to 29 years of age.

With respect to Inuit males, our findings reveal that, like those of the group as a whole, the predominant number of offences, representing 60.0 percent, were committed by those within the 20 to 24, 25 to 29 and 16 to 17 age brackets, with a polarization about liquor and motor vehicle offences for those 20 to 24, liquor, against the person and sexual offences as well as motor vehicle violations for those 25 to 29, and liquor offences for those 16 to 17 years of age.

Despite the limited number of Inuit females convicted, offenders within this category were mostly between 16 to 17 years of age, all of whom were guilty of liquor offences, and between 20 to 24, mainly involved in offences against the person. The pattern regarding non-Inuit male offenders corresponds to previous findings where individuals within this racial group tended to be between the ages of 25 to 29 and 20 to 24, and in a comparison with Inuit offenders for the same age groups, were over represented in motor vehicle violations and under represented in all other offence types.

Table 16, a tabulation of the number of persons convicted for more than one offence committed during 1972, by offence type per racial group by sex, illustrates the frequency in the number of offences for Inuit males concentrated on two to four and ranging from two to eight offences; these are predominantly liquor offences in conjunction with one or more of the following: person and/or property, and/or sex, and/or law and justice and/or motor vehicle or simply liquor offences. Other than an extension in the range of frequency, and the relationship of liquor with person, and/or property, and/or law and justice offences, the pattern for Inuit females corresponds to the findings for Inuit males. Though the number of non-Inuit offenders, convicted of more than one offence, is even more limited than that for Inuit females, it appears that the frequency, in a range from two to six, generally does not exceed two to three offences, mainly concentrated on motor vehicle in conjunction with liquor, or person, or property offences or simply motor vehicle infractions.

Regarding persons convicted of more than one offence, committed during 1972, by offence type per racial group by sex and age, Table 17 reveals that Inuit males convicted of more than one offence were mainly between the ages of 20 to 24 and to a lesser extent, between 25 and 29. It is interesting to note that while the offences committed by Inuit in both age brackets predominantly involved liquor and one or more of the following: person and/or property, and/or sex, and/or law and justice, and/or motor vehicle, several of those between the ages of 20 to 24 committed a number of acts reflecting a mixed distribution over a wide range of offence types including an equal number of those against the person/sex/property/motor vehicle/law and justice, as well as liquor.

Inuit females, convicted of more than one offence, were concentrated in the 16 to 17, and 18 to 19 age brackets, with the first group mainly involved in liquor offences, whereas the older group was convicted chiefly for liquor offences with one or more of the following: person and/or property, and/or law and justice. Though the non-Inuit group convicted of more than one offence is small, the majority of offences were committed by males between the ages of 20 to 24 and 30 to 34, centring on motor vehicle in combination with either liquor or person or property offences or simply motor vehicle infractions.

Criminal Sub-groups

Our observations have ascertained the existence of several distinctive criminal sub-groups, varying in racial, age, as well as socio-economic composition and value systems, whose activities, centring on either the non-medical use of drugs or excessive or indiscriminate use of alcohol, have come to the attention of the police. Generally, the discretion of those involved in experimentation with drugs, comprising more whites than Inuit, has resulted in their escaping detec-

Table 15

Persons Convicted of one Offence, Committed During 1972, by Offence Type per Racial Group by Age and Sex, Frobisher Bay, NWT

Offence type	Age distribution per racial group by sex										Total
	16, 17	18, 19	20-24	25-29	30-34	35-39	40-44	45-49	50-59	60 +	
	Eskimo males										
Against the person + sexual offences		2		4		1		1	2		10
Against property	1	1		1		1					4
Motor vehicle			5	3	2	2	1			1	14
Liquor offences	10	4	9	5	6		1				35
Drug offences	1										1
Total	12	7	14	13	8	4	2	1	2	1	64
	Eskimo females										
Against the person + sexual offences			4	1	1						6
Motor vehicle			1								1
Liquor offences	8	3			3			1			15
Total	8	3	5	1	4			1			22
	Non-Eskimo males										
Against the person				1		1					2
Against property	1										1
Motor vehicle			7	6	2	1	3	1	3		23
Liquor offences				1	1				2		4
Drug offences	3										3
Total	4		7	8	3	2	3	1	5		33
	All persons										
Against the person + sexual offences		2	4	6	1	2		1	2		18
Against property	2	1		1		1					5
Motor vehicle			13	9	4	3	4	1	3	1	38
Liquor offences	18	7	9	6	10		1	1	2		54
Drug offences	4										4
Total	24	10	26	22	15	6	5	3	7	1	119

tion by the police. However, this has not been the case with the sub-group whose overt anti-social behaviour, due to the abuse of alcohol, has rarely eluded the intervention of the police. In view of the frequency of socio-legal intervention in response to their anti-social behaviour and violation of legal norms, the latter serves to illustrate one of the few criminal sub-groups existing in this plural community.

It appears that the strains of adaptation to Euro-Canadian culture have contributed to the evolution of this criminal sub-group, providing alternative criteria for prestige and self-esteem among Inuit youth in reaction to their frustration and resentment over being denied full participation in the socio-economic structure of the white-dominated community of Frobisher Bay. This supports the findings of Clairmont (1963) and Jenness (1964) who have observed a similar development among indigenous people elsewhere in the Northwest Territories.

With respect to the numerical distribution of this Inuit sub-group, it appears that approximately 30 persons appear to regularly warrant the attention and concern of those responsible for law enforcement in the community. These, on the average, are between the ages of 16 and 24. There are a number of females, mainly aged 16 to 17, consistently apprehended for underage drinking, and a few 20 and 24 year-olds who, in addition to liquor violations, are involved in assault and property damage. Among the males, significantly between the ages of 20 and 24, with several in the 25 to 29 age bracket, their various infractions include motor vehicle, property, against the person and a

Table 16

Persons Convicted of More Than one Offence, Committed During 1972, by Offence Type per Racial Group by Sex, Frobisher Bay, NWT

Offence type	Number of offences per racial group by sex								Total
	2	3	4	5	6	7	8	10-15	
	Eskimo males								
Against the person	3	2							5
Against property		3							3
Predominantly property + one or more of the following: person and/or liquor				1	1				2
Motor vehicle	1								1
Liquor offences	6	3	2	1					12
Predominantly liquor + one or more of the following: person and/or property, and/or sex, and/or law and justice, and/or motor vehicle	8	3	8	1	1	2	1		24
Mixed distribution: person/sex/property/motor vehicle/liquor/against law and justice		4	1	1	2		1		9
Total	18	15	11	4	4	2	2		56
	Eskimo females								
Predominantly against the person + liquor			1						1
Liquor offences	2	3	2	1					8
Predominantly liquor + one or more of the following: Person and/or property, and/or law and justice	3	2	1	2	1	1		2	12
Total	5	5	4	3	1	1		2	21
	Non-Eskimo males								
Predominantly against the person + liquor	2	1							3
Motor vehicle	1								1
Predominantly motor vehicle + one of the following: liquor or person or property	2	1	1						4
Drug offences	1								1
Mixed distribution: person/law and justice/other					1				1
Total	6	2	1		1				10

number of other delinquent acts, as well as liquor offences and some experimentation with drugs.

Generally, observations have indicated that local and outside youth are co-opted into the sub-group beginning with his or her association with its members while congregating in public places such as the mall, where invariably peer group pressure leads to his or her introduction to alcohol. Surprisingly enough, it is fortunate in a way that liquor can be obtained in Frobisher Bay. Thus experimentation with substances containing alcohol, such as shaving lotion, hair spray, rug cleaning fluids, anti-freeze, etc., while predominant in some settlements, such as Cape Dorset, is kept to a minimum in Frobisher Bay. Nevertheless, their use does exist to some extent, but more as a transitory phase in the overall drinking pattern.

Regarding females consistently apprehended for minor consumption, in the majority of cases, their delinquency declines significantly at 19, the legal drinking age. However, the delinquent pattern of males between the ages of 20 to 29 in this sub-group, has tended to evolve from their introduction to alcohol in their middle teens, when they are charged for minor

Table 17

Persons Convicted of More Than one Offence, Committed During 1972, by Offence Type per Racial Group by Age and Sex, Frobisher Bay, NWT

Offence type	Age distribution per racial group by sex									Total
	16, 17	18, 19	20-24	25-29	30-34	35-39	40-44	45-49	50-59	
	Eskimo males									
Against the person			2	1	1		1			5
Against property		1	1		1					3
Predominantly property + one or more of the following: person and/or liquor			1	1						2
Motor vehicle						1				1
Liquor offences	1	1	3	4	1	1	1			12
Predominantly liquor + one or more of the following: person and/or property, and/or sex, and/or law and justice, and/or motor vehicle	1	3	9	5	1	2	1	1	1	24
Mixed distribution: person/sex/property/motor vehicle/liquor/against law + justice			7	2						9
Total	2	5	23	13	4	4	3	1	1	56
	Eskimo females									
Predominantly against the person + liquor				1						1
Liquor offences	7	1								8
Predominantly liquor + one or more of the following: person and/or property, and/or law and justice	4	5	1	1	1					12
Total	11	6	1	2	1					21
	Non-Eskimo males									
Predominantly against the person + liquor		1			1	1				3
Motor vehicle			1							1
Predominantly motor vehicle + one of the following: liquor or person or property					2	1		1		4
Drug offences			1							1
Mixed distribution: person/law + justice/other			1							1
Total		1	3		3	2		1		10

consumption, to gradually being frequently found intoxicated in a public place or supplying liquor to a minor. Finally, as adults, they become involved in occasional incidents, the charges being either against the person and sexual offences, against property, or a combination of both.

Within the subgroup previously described, which fairly consistently acts out in a disruptive manner, frequently precipitated by alcohol abuse, there are several groupings that comprise the basic rudiments of a gang structure. This structure, usually a close association of two to four persons, is rather loosely knit; besides the fact that leadership is not concretely established, the continuity of the group is frequently disrupted by the incarceration of one or more of its members.

However, despite the frequency of the anti-social or criminal behaviour of this group, their acts tend to be spontaneous rather than a direct result of any careful planning.

For example, one such gang comprises four Inuit males in their early twenties. A number of them have gone the cycle from their introduction to alcohol in their middle teens, resulting in a pattern of arrest for minor consumption, to supplying liquor to a minor and being found drunk in a public place, to incidents involving physical violence and theft. As a result, some have been sentenced by the courts to serve a term at the Yellowknife Correctional Centre. Associated with this group are several girls, mostly in their late teens, who come to the attention of the authorities

through unlawful consumption of alcohol by a minor, or being found drunk in a public place.

A significant observation with respect to this one group, which can be termed a gang, is its hostility toward the white population in general, and toward those in the administration of justice in particular. In their confrontations with the police, its members will test the constable's level of patience with a barrage of obscenities and derogatory gestures expressive of the bitterness which they feel toward the agents of law enforcement. Similarly, their appearance before the Justice of the Peace Court does not seem to have any deterrent effect. The following scene was repeated frequently during several court sessions. A significant portion of the gang would be present to attend court if one of their associates was to appear that day. However, during the proceedings, one would get the impression that there was a total lack of concern on their part for the consequences of the judicial process, and they would converse fairly loudly in *Inuktitut* among themselves, occasionally disrupting the proceedings and evoking a command for silence from the R.C.M.P. constable. It is difficult to speculate as to whether their actions were a deliberate attempt to disrupt the court, symbolic of an act of rebellion, or whether they were indicative of a lack of concern or respect for the decisions handed down by the judge.

During our fieldwork, we were able to ascertain a profile of some of the individuals who appeared solidly entrenched in a deviant value system. Accordingly, we shall present the case histories of three Inuit, two males and one female, who expressed their feelings about various matters.

Elijah. Elijah is a 25 year old Eskimo male, whose physical image in dress and actions appears to fulfill the stereotyped perception of a "tough guy". He was born in a settlement outside Frobisher and immigrated with his family to Frobisher Bay in the late 1950's. In terms of education, he completed Grade 6 as well as having spent some time in southern Canada in a trades training program. In general, his pattern of employment has been rather sporadic as his vocational skills are rather limited.

His confrontation with the authorities began at about age 17. His parents and older brothers drank fairly heavily, usually in social groups at bars like the F.A.R.A. or the Legion, as well as occasionally at home. At this point in time, he was introduced to alcohol by his older brother and soon after was apprehended for the unlawful consumption of alcohol by a minor. This was repeated several times with a progression to convictions for supplying liquor to a minor and to instances of assault. His aggressive behaviour under the influence of alcohol appeared to manifest itself in significant proportions at about the age of 20. As its repetition increased in severity, the sentence of the court increased proportionately until finally it was felt that Elijah required institutionalization rather than the usual fines or probation. Despite the time served at the institution, Elijah's assaultive behaviour, coupled with alcohol abuse, does not appear to have significantly diminished.

Elijah admitted that he had a problem with alcohol. However, he stated that because most of his friends drink, he found it difficult to abstain. He felt that they would ignore him if he refused to participate in their drinking bouts. However, these bouts frequently ended up in violence. The group, when intoxicated, would venture forth seeking whites upon whom they could vent their hostility and aggression, for they believe the whites are trying to keep the Inuit in a position of inferiority. Ironically, the whites usually refuse to rise to the bait and the group occasionally becomes involved in internal squabbles culminating in physical violence. The frustration and bitterness that Elijah feels stems from his belief that the whites exploit the Inuit economically and sexually.

Elijah usually felt remorse about the suffering and shame his disruptive behaviour caused his family. When asked to speculate on his future, he replied that he did not think about it.

In addition to his present use of alcohol, Elijah has a past history of experimentation with drugs such as marijuana, hashish and acid. Drug abuse appeared to be confined to experiences in southern Canada. If he had a choice between the use of marijuana or alcohol, he stated he would opt for the former. When in a state of alcoholic intoxication, Elijah stated that he felt "good" and "happy" as well as somewhat invincible. While in this condition, he was destined to show a tendency to display his physical prowess and dominance over others.

Joseph. Joseph, a 28 year old Eskimo male, has spent most of his life in Frobisher Bay. He started his drinking at age 16, whereupon his first confrontations with the agents of law enforcement began. His assaultive and other deviant behaviour had become so severe that he had been incarcerated in Yellowknife Correctional Centre. With respect to his education, Joseph completed grade 7, but due to his limited vocational or other training, his employment has been rather inconsistent.

When in a state of intoxication, Joseph felt that the confidence and euphoria he experienced made him believe he was omnipotent. Frequently, while in this condition, he would become involved in arguments resulting in a fight, with the consequent intervention of the police. When sober, remorse and guilt would set in. Though he has not been able to establish a good rapport with those involved in his rehabilitation, he nevertheless feels that he requires assistance in his struggle against alcohol. He is aware that it would be advisable to leave Frobisher Bay for a settlement, but the temptation of alcohol is too overwhelming.

At the close of one of our conversations, he became somewhat philosophical in his assessment of the legal norms. He stated that he viewed his life as a game and perceived the legal structure with its statutes in a similar light. Accordingly, he felt that the law was made to be broken and the challenge lay in avoiding being apprehended. The fines and terms of imprisonment were but the risks or consequences one hazarded when playing the game.

Lucy. Lucy is a 17 year old Eskimo female who, within the last year, has become frequently involved in confrontations with the police as a result of her unlawful consumption of alcohol. She quit school rather prematurely for lack of interest, and with no particular job skill or enthusiasm, her work record has been sporadic. Lucy is unashamed of her frequent appearances in the Justice of the Peace Court on charges of minor consumption, and claims that she will persist in this and other violations despite the risks involved. She is hostile toward whites and especially toward those in the administration of justice. She resents the police because they apprehend her for the unlawful consumption of alcohol. In court, she has subjected the J.P. and white spectators to verbal abuse, angry at what she felt was a condescending attitude toward the Inuit.

Her delinquency stems from her inability to control her anger while intoxicated, frequently resulting in impulsive actions with aggressive overtones. Lucy presents a "tough girl" image which she consolidates with a statement that she can get into difficulty with the law any time she feels so inclined. The inference of this statement seems to be that the social and formal controls, such as the police, courts, etc., that exist within the community, have an impact on a person only if the latter believes in their relevance or attaches any significance to the ability of their decisions to infringe on his or her actions. In Lucy's case, she did not feel that they had any right, let alone the ability, to change or control her behaviour. In conclusion, the normative structure of her group was such that she had come to regard her delinquency as a symbol of prestige, and important to her acceptance in her peer group.

The cases that have been presented do not claim to be representative of the full distribution of types within the criminal sub-groups in the community. They are illustrated to provide an insight into some of the motivations and situations which engender criminal behaviour. Characteristic of these types is a significant attachment to their peer group where this behaviour is re-enforced. In the gang, drinking and physical as well as sexual prowess are values which appear to be regarded in high esteem.

Conclusion

Our previous discussion has established the criminogenic role of alcohol in offences committed in Frobisher Bay, mainly by Inuit, comprising incidents of assault, property offences and violations of the Liquor Ordinance. Specifically, in summarizing our findings, we may say that the incidence of criminality in Frobisher Bay during 1972 was highest within the 16 to 29 year age group, peaking at 20 to 24, at which time there was a significant involvement in liquor violations and against the person and sexual offences; this was followed by motor vehicle, property, and offences against the administration of justice, drugs, and other, gradually declining as we entered the 25 to 29 age bracket and thereafter. Whereas Inuit males by age group generally corresponded to this pattern in the distribution of charges, Inuit females, over-represented in liquor offences, showed a concentration of criminality during the period from 16 to 19 years of age, at its height from 16 to 17, declining significantly as we approached the 20 to 24 age bracket and thereafter. However, the incidence of crime among non-Inuit males was concentrated over a longer period, from the ages of 20 to 34, reaching its peak in the 20 to 24 and 30 to 34 age groups, mainly involving motor vehicle violations, and declining thereafter.

Though our figures apply for only a one year period, in view of our observations of the pattern during 1973 and 1974, corroborated by several informants, as well as substantiated by Clairmont (1963) in Aklavik and the Honigmanns (1965) in Frobisher Bay, and to some extent by the latters' work in Inuvik (1970) insofar as it applies to Inuit, it is our opinion that it is relatively representative of a trend in criminal behaviour, consistent over a period of time.

We have ascertained a rise in crime in recent years and the emergence of an Inuit criminal sub-group where alcohol remains the predominant factor in offences, as well as contributing to the social bond of these sub-groups. In our opinion there has been no significant transference from alcohol to drugs among Inuit. It is hoped that the recent surge of community action toward a reduction in alcohol abuse and of its social and criminogenic consequences, the emergence of several innovative programs for the resocialization of Inuit offenders by Inuit, and the control of disruptive incidents within the mall, to mention just a few of the recent developments, will result in a measurable decline in the incidence of criminality in the community.

Chapter Four

Socio-legal Control

In principle, the violation of a legal norm evokes a response from the community members themselves and from those structures designated by it to apprehend, adjudicate and treat those engaged in criminal behaviour. We will now examine the formal structures of socio-legal control individually — the police, judicial and associated services, and corrections.

The Royal Canadian Mounted Police

Historically, with respect to the founding of a detachment in Frobisher Bay, the *Annual Report* of the R.C.M.P. (1945) cites the establishment, in 1944, of a temporary detachment, comprising one constable, to protect Inuit and enforce the law. By January 1, 1961, an Eastern Arctic Sub-Division was created, to be administered from its headquarters in Frobisher Bay, comprising the following detachments: Alexander Fiord, Frobisher Bay, Lake Harbour, Pond Inlet, Cape Christian, Grise Fiord, Pangnirtung and Resolute Bay. This sub-division, along with those of Inuvik and Yellowknife Regions is administered by "G" Division, whose headquarters were relocated in August 17, 1974, from Ottawa to Yellowknife.

Regarding law enforcement in a changing North, the establishment of other federal agencies gradually encompassing the many services initially assigned to the police, coupled with the recent and dramatic immigration of Inuit from camps to the semi-urban setting of Frobisher Bay, has resulted in a greater concentration of the force in Frobisher in its policing function.

Our description of the local detachment in Frobisher Bay will centre on staffing, the police task, as well as on some of the contentious issues regarding the police and their role, and measures to improve police-community relations.

Staffing

The local detachment is staffed by regular members, comprising constables and non-commissioned officers, special constables and civilians. Each category will be discussed separately.

A. Regular members

The strength of the local detachment rose from one constable at the time of its founding in 1944 to six members twenty years later, and 16 members, including two special constables, as of April 1974. However, in view of a recent change in policing procedures requiring members from the Frobisher Bay Detachment to periodically cover the outlying regions, the actual work force concentrated in Frobisher is 14.

The policies and recent difficulties regarding the recruiting of members for northern duty, reviewed earlier, similarly apply to Frobisher Bay. Single members, mostly constables in their early twenties, posted to Frobisher, generally remain for one year as compared to two years for married men.

B. Special constables

Originally, indigenous people were recruited as special constables to assist the police in their capacity as guides, dog drivers, and interpreters. However, as the role of northern policing changed, so did that of the special constables. As a result, special constables, usually numbering two Inuit in Frobisher Bay, are increasingly utilized in an enforcement or investigative capacity. Prior to 1973, while no formal training was given to special constables, the "on the job" experience prepared them for the general duties of policing under the direction of regular members. However, in November 1973, a basic 10 days course in police work, given in Ft. Smith, was designed for special constables familiarizing them with the Criminal Code, statutes and ordinances as well as general duties. It is the intention of the force to enroll special constables in additional courses in the future as part of the ongoing process of improvement.

Generally there is a hesitancy among Inuit in Frobisher Bay to become employed in any capacity associated with the policing of their people. With the shift in role to encompass more enforcement and investigative duties, the special constable has increasingly become involved in situations of friction and conflict with his own people. Furthermore, as noted by one regular member, "a special constable undergoes the pressures of his own community as well as those of being a policeman. He finds himself in a situation where he has to sell the law to his own people."

To illustrate some of the difficulties encountered by special constables in the enforcement of the law among Inuit, we present the following example, which occurred in 1972, of an Inuit male, aged 25, who was apprehended by a regular as well as a special constable. The accused had been found in the mall intoxicated and somewhat unsteady, and was escorted to the detachment to be detained overnight for being drunk in a public place. He was somewhat uncooperative and appeared to be berating the special constable in *Inuktitut.* At the detachment, when the accused was ordered to remove his shoes and jacket, he offered some physical resistance coupled with a series of profanities directed at the special constable. A small scuffle broke out between the two, whereupon the accused suffered a bleeding nose. After the incident, the special constable told us that the accused had said in *Inuktitut* that he had only 50 cents in his pocket, and sarcastically remarked that there was nothing for the police to steal.

Several comments can be made regarding the interpretation of this confrontation. First, it came to a point where the frustration of the situation culminated in some aggression on the part of the constable. Secondly, the dynamics of the confrontation between the accused and the special constable, who were both Inuit, perhaps reveals, on the one hand, the lack of reconciliation of the accused to one of his people intervening in his affairs, and on the other, the frustration of the special constable in failing to establish his credibility or the respect of one of his own people.

Finally, the allegations by the accused that the constable might be ready to steal his money seemed to emanate from the general lack of understanding of the force's role in the collection of fines, a function relinquished in December 1972, indicating the impression that the money was retained by the police.

The questioning of individual Inuit about their refusal to work for the force brought the often heard response, "I don't like to see my friends when they are in trouble." The impression that seems to prevail is that those who have opted for employment with the R.C.M.P. as interpreters, matrons or special constables, tend to be rejected or isolated by the Inuit community. Recruiting special constables has proven a problem for the police. One of the special constables stated that he found it unpleasant to have to arrest relatives or friends for violations under the liquor or other ordinances, or intervene in their affairs. As a result, it is not unusual to have a special constable from an outlying settlement posted to Frobisher Bay. One of these constables remarked that the execution of his task was facilitated by his limited kinship or other ties within the community. Nonetheless, there was a feeling of animosity toward him just the same. As he candidly stated, "Some Inuit don't like me because of the job I am doing." In addition to being ostracized by the community, a severe as well as a very unpleasant sanction, special constables and their wives were frequently threatened or harrassed by a few individuals in the community.

The special constable has to bear the hostility of his own people as a result of having to enforce an alien legal structure as well as having to reconcile the condescending attitude of some whites with whom he has to deal in the course of his duties. One Inuit constable revealed that in situations requiring his intervention, some whites would make abusive remarks about his racial origin and challenge his authority to enforce the law on non-Inuit. The precarious position of an Inuk employed in an enforcement capacity because of his lack of acceptance by both Inuit and whites, and the difficulty, therefore, of carrying out his appointed task, appeared to be the predominant factor in the problem of recruiting special constables.

However, there are indications that recruitment of special constables, in spite of the continuing difficulty in finding Inuit to qualify as regular members, will become easier since more Inuit in the community are speaking out against crime and are in favour of the engagement of Inuit rather than whites to police the community. Informal discussions with several residents have also elicited the suggestion of creating an Inuit police force, which, perhaps under the direction of the R.C.M.P. as resource personnel, would be in the front line of enforcement where the frequent violations of the liquor and other ordinances are concerned, as well as other minor offences. In fact, this concept has been implemented by the R.C.M.P. in the settlement of Lake Harbour where an Inuk is the only policeman, except for periodic visits by regular members from Frobisher Bay; in effect, he is the police chief in the community. Ironically, in addition to some initial criticism by the community of the withdrawal of the regular member, the recent consensus by several residents has been that an Inuk from another community should be appointed to the task because the incumbent, a person from the settlement, when subjected to local pressures, has been unable to do the job effectively.

C. Civilian members

In addition to the regular and special constables, civilians have been employed as guards for the detention area. Their task is to supervise those in detention as well as to check regularly on those in the drunk tank in order to spot potential incidents of assault among the detainees or to attend to one of them for medical reasons.

In principle, the Force desires to hire Inuit as guards since the majority of the prisoners are Inuit and therefore their fluency in the two languages would be a definite asset. However, regarding the situation during 1972 and 1973, informants within the Force stated that the Inuit guards turned up for duty rather sporadically and those who did report were often inebriated. After some experimentation, the detachment felt that it had no alternative but to employ white personnel as guards and they believe these have proven more reliable, with respect to both punctuality and sobriety.

Though the Force had been able to successfully engage one Inuit guard from outside the community during the winter of 1974, difficulties in obtaining proper housing resulted in his resignation.

There are also four Inuit females who are employed as matrons in the guard-room and are on call when female prisoners are detained. According to one member, Inuit matrons and male guards do not appear to be subjected to the same harrassment as special constables. He attributed this to their not being instrumental in the enforcement of the laws or in the accused's detention.

The police task

In Frobisher Bay, the police see their primary role to include the legal education of the Inuit community, as well as the enforcement of the existing laws with special emphasis on prevention. Interestingly, one officer, in response to the question as to what he regarded as the primary task of the police in Frobisher Bay, answered in the context of administrative considerations. Specifically, he viewed his main objective to be the co-ordination of the available manpower to meet the policing and social needs of the community. Proper co-ordination was needed because "while members may be equipped to deal with law enforcement and police techniques, initially, they may not be capable of dealing with the social aspects of the community."

The majority of incidents requiring police intervention take place between the hours of 7:00 P.M. and 3:00 A.M., with a concentration of violations toward the end of the week. As mentioned elsewhere, the predominant violations have been those under the Liquor or Motor Vehicle Ordinances or the Criminal Code, such as assaults and property offences, the latter usually committed while in a state of intoxication. Accordingly, since the impulsive drinking pattern, which frequently results in incidents of crime, is initiated by the availability of cash, pay weeks mark a rise in the excessive use of alcohol and subsequently often in deviant behaviour.

The work load of the evening shift may involve one or two patrols to the outer limits of town, as well as to Apex, which is approximately three miles away from Frobisher Bay. Apparently limited enforcement is required in Apex, except when persons who have become inebriated in Frobisher set out on a visit there. These social gatherings may occasionally break out in fights.

Calls that are made to the detachment are relayed to the patrol car whose management of a situation can be referred to as "crisis intervention". Frequently, the police are dispatched to the scene of an incident only to find that an altercation has already terminated and that one or both parties have disappeared. During the patrols, the members engage in property checks of business establishments which are regarded as a preventive measure. Similarly, customs checks of planes departing or entering the country via Frobisher Bay are carried out. The latter is a controversial point in that some members do not feel that this is a task for which they are suited in terms of training or time. It is regarded as a nuisance, and the consensus of many members is that a customs official should be permanently stationed at the airport to handle such duties. In addition to the aforementioned tasks, foot patrols of the mall area may be made several times during the course of the evening, with or without a call having been made to the police.

Other duties performed by the police are the preparation of cases which are to be processed at either the Justice of the Peace, the Magistrate's or Supreme Courts. Aside from this task, an R.C.M.P. constable functions as Crown Prosecutor in the Justice of the Peace Court and until December 1972 the Force was involved in the collection of fines. The latter function was relinquished at the time in favour of a scheme of mail-in fines. Nevertheless, it is not unusual for Inuit and others in the community to be somewhat distrustful of an agency that, in addition to having been appointed to enforce the law, is involved in the prosecution of violations and, where non-payment of fines or short term sentences are involved, also takes part in the execution of the sentence.

During 1972, we observed that one other task has resulted in some strain between the Force and the community. This was the enforcement of the dog ordinances. At times, unleashed dogs constitute a menace to the community, and while the Hamlet of Frobisher Bay had a dog catcher, his success had been rather limited. Whenever dogs were placed in the pound, people would inevitably release them. For instance, the previous winter, a group of loose dogs formed a pack and roamed about town in search of food. They would rummage through garbage and frequently become embroiled in fights among themselves, as well as periodically attacking humans. Several townspeople became concerned, and when someone was injured as a result of one of these attacks, the Hamlet asked the police to intercede. It was promptly announced on the radio that all dogs were to be kept on a leash or they would be destroyed. The police then went out every morning and shot all the stray dogs they encountered. However, as a result of this police intervention, the police were stereotyped by some as dog-killers. An instance of this occurred when a constable's order for a group of people to leave the mall brought the reply, "Why are you bothering with us? Why don't you go out and kill some dogs?" This comment was greeted by a howl of laughter from the group.

Toward a more detailed account of the police task, we will centre on the volume of work, the factors underlying the decision to seek police intervention, and the role of the police in incidents involving assaults, and in the enforcement of laws pertaining to liquor and drugs.

A. The volume of work

As we have mentioned previously, the attention of the police is significantly concentrated on violations under the Liquor Ordinance and alcohol-related incidents, such as physical and sexual assaults, breaking and entering, theft, and wilful damage. Until recently, the incidence of crime, particularly of liquor-related offences, showed marked annual increases. During 1972 and the beginning of 1973, there were an extremely large number of situations requiring the intervention of the police.

Reflecting this rise in the volume of the police task was a dramatic increase of 106.3 percent, or 806 persons, in the number of those in custody for 1972 over 1971. Apparently, aside from an actual increase in criminality, the increase in prisoners can be attributed to several factors. First, there are indications that there has been an increase in surveillance by the police as a result of additional staff. This being the case, one would reasonably assume that the increase in surveillance would reflect a proportionate rise in the statistical tabulation of the incidence of crime. Secondly, the new location of the Frobisher Bay Detachment in the centre of town has improved the efficiency of the police, particularly in the answering of calls made to the station. Many incidents occur in the Astro Hill

Complex, or the mall, as it is commonly called. Prior to the re-location, the old detachment was situated at the outskirts of town. Therefore, by the time the police would reach the mall area, or centre of town, in answer to a call, the suspects had already escaped or one party to a fight had departed from the scene. Thirdly, the new quarters provide a larger holding area for those found drunk in a public place or who had violated one of the other liquor ordinances. Previously, if the old quarters were over-crowded with drunks, the constable sometimes took the initiative and drove an inebriated individual home. Obviously this person would not be indicated in the police crime statistics.

In Frobisher Bay, as elsewhere in the Northwest Territories, the higher rates of crime may be attributed to greater efficiency in detection in a small and isolated northern community, plus the distortion arising from the comparison of small figures, as in the case of serious offences. This appears to have contributed to the excessively high clearance rate in Frobisher Bay during 1972, which was 91.9 percent of the total number of actual offences cleared by charge or otherwise, as compared to 51.7 percent for the rest of Canada. However, the rate for Frobisher, though slightly higher, corresponds to the rate of 85.7 percent in 1972 for the entire Northwest Territories.

While the volume of policework reached its peak during 1972 and the first half of 1973, if we consider the number of persons in custody as a measure of the workload, there are indications that it diminished during the latter half of 1973 and 1974. Specifically, regarding the number of persons in custody at the local detachment over nine month periods, from January 1st to September 30th, for a span of three years, 1972 to 1974, the number of persons declined nominally by 1.0 percent during the nine months in 1973 over that for 1972, and significantly, by 413 persons or 36.5 percent for a similar period in 1974 over 1973. According to the police, the decrease in criminality and, as a result, their workload, particularly in liquor offences, has been due to a growing consciousness by the community concerning the abuse of alcohol and the creation of non-liquor oriented recreation facilities in the community. For example, the opening of the Kativik Community Hall during Christmas 1974, providing dances, food, and traditional Inuit games during the festive season, in a setting expressly devoid of alcohol, is credited by the police with a major reduction in the usual incidence of liquor-related offences over this period.

With respect to available statistics pertaining to a categorization of complaints made to the police, of a total of 2,254 reported for a one year period, from September 1, 1971 to August 31, 1972, 28.1 percent involved situations requiring the assistance of the police, whereas 52.6 percent and 19.3 percent necessitated police intervention for violations under the Territorial Ordinances and the Criminal Code respectively. Of the total number of complaints, 82.1 percent were called in to the detachment. Charges by some members of the community that the police while on patrol take the initiative in seeking incidents requiring their intervention appears to be unfounded, since only 17.9 percent of the total complaints were as a result of patrols. However, in a comparison of the racial distribution of those making the complaints, the 68.4 percent referred by non-Inuit far exceeded the 31.6 percent reported by Inuit residents.

Recent discussions with members of the local detachment have indicated that the above breakdowns generally correspond to those for all of 1972 and 1973, though they are of the opinion that more Inuit are now reporting incidents to the police. In addition, there may be some variation in the number of cases involving assistance as a result of the implementation of a new system by Statistics Canada whereby cases such as domestic disputes, previously defined as assistance, may be counted as an offence. Presently, assistance has been given a more restricted definition comprising custom checks, notification of next of kin, searches, etc.

B. Factors determining the decision to seek police intervention

Generally, Inuit will only seek the intervention of the police in cases where the situation is beyond their control and an immediate solution is required. Though there are indications of a change in this pattern, once order has been restored, few are willing to lay a complaint since, as noted by one observer, "the matter is now finished in their own mind." On the other hand, while non-Inuit may more readily resort to seeking the services of the police, they are also hesitant to call the police, but for different reasons. In contrast to Inuit, their desire not to become involved in the laying of a charge may stem from their awareness of the consequences and follow-up implied by such a decision.

Another factor attributed to a general hesitancy among Inuit to report incidents is the desire to settle the conflict among themselves or to avoid informing on a friend. One Inuit male explained to us some of the dynamics involved in the decision whether or not to seek the intervention of the police or lay a charge.

Inuit feel for one another. We know how badly the other person feels after he has done something he never meant to do. Generally I try to settle the problem myself . . . the police are a last resort. Often a person who has caused the trouble will respect the victim more if he decides not to call the police. If the matter is serious, the person will realize or understand why he was charged.

In addition, some Inuit fail to call the police because they believe that the latter, particularly in domestic disputes, can do little to improve the situation. For example, one Inuit female stated that her people have experienced too many cases where "the police can't throw out the husband who is beating the wife, if he lives there." Futhermore, in situations of assaultive behaviour, generally within the family, physical and verbal threats deter most wives from laying a charge. Finally, several Inuit stated that they had little faith that the courts would sentence harshly enough once a charge has been laid.

C. Assaultive behaviour

Generally incidents involving assaults progress over a period of time until they finally reach a critical stage. The incident may come immediately to the attention of the police through a member of the family, or friends, or if particularly serious, through the medical authorities.

A charge of assault rarely evolves from these domestic disputes unless the wife wants to charge the husband or the incident has necessitated the victim's hospitalization. Though the police make every attempt to have the victims of the assault lay a charge, in serious incidents, or where the victim's fear of the repercussions precludes her initiation of any legal action, they may lay the charge themselves. Frequently, the laying of the charge, particularly in serious situations, no matter what the outcome, has a positive effect on the accused by impressing upon him that there is a possibility of going to jail for such behaviour. Furthermore, it is a means of controlling the accused over a period of time and tempering his aggressiveness.

The police view their intervention in domestic disputes, generally provoked by alcohol, as a temporary solution or safety valve when matters have escalated to their breaking point. Despite the unpleasant aspects of becoming involved in family disputes, the policy of the detachment has been to respond, whenever possible, to any calls for assistance. Nevertheless, the police experience great difficulty in establishing cases of assault due to the hesitancy of victims to proceed in the matter, or having agreed, suddenly changing their minds, because of the impact on the family if the father is incarcerated, etc. As a result of these intervening variables, only the more serious cases ever reach the courts.

D. The enforcement of the Liquor Ordinance

The section most often violated by Inuit adults is 77 (1) of the Liquor Ordinance, stating that "no person shall be in an intoxicated condition in a public place." A person found in violation of this section may be detained overnight in the drunk tank and released when sober with an exemption from prosecution unless special circumstances warrant such a procedure. Female as well as male Inuit are prone to the violation of this ordinance. The frequent occurrence of such incidents has made their handling by the police a matter of routine.

No instances of police brutality were witnessed, though several informants have indicated that they were subjected to ill-treatment. By police brutality, we are referring to the excessive use of force in the apprehension of an accused, or the systematic beating of an accused to obtain his confession to an offence. We frequently accompanied the police to ascertain the scope of their task and the manner in which it was executed, and it cannot be denied that several members showed some uneasiness about our presence during the normal course of their duties. However, the impact of our observer function as a restraining factor upon the police can only be speculated on. One constable made the remark, in answer to the query of an accused as to the reason for our presence, that we were there to ensure the civil liberties of the accused. The comment was made in jest, but it seemed to imply much more than what was said.

While no specific instances of police brutality were observed, there were several situations where the over-zealousness of a member would be reflected in sharp, abrupt verbal commands to the accused, or an extra nudge while ushering an uncooperative person. Generally the constable is physically much bigger than most Inuit, and this appears to be some deterrent to physical resistance on the part of an Inuit accused. However, the patience of constables is frequently put to the test as a result of the verbal abuse to which they are subjected during the course of an arrest. This is particularly evident with those within the previously discussed criminal sub-groups, and especially with the female group. Some of the females pose a particular problem because of the severity of their physical as well as verbal belligerence. As a result, occasional retaliation by a member of the force, such as a slap or a kick, may occur. This is probably due to the cumulative frustration which some constables feel about their task within the community. The following incident is an example of the type of encounter which may occur between a policeman and a female offender.

The events took place in the detachment, where an Inuit female aged 20, was brought in over the shoulder of one of the constables, to be detained overnight for being drunk in a public place. She had passed out. However, after several minutes in the station, she awoke and started to shout obscenities at the constable. She became very aggravated when the constable would not react to her profanity. He ordered her several times to remain quiet and take off her rings. She refused. He then advised her to take them off or he would forcibly remove them. She replied with another outburst of obscenities and steadfastly remained uncooperative, whereupon the constable, with the help of the matron, restrained her until the rings were dislodged. She was then thrust abruptly into a cell.

Though there does not appear to be a differential treatment policy exercised by the police, there is a greater likelihood of Inuit requiring the intervention of enforcement officers than whites. Earlier, we mentioned that one predominant factor was that whites, when in a state of intoxication, tended to return to the privacy of their homes with the assistance of their friends. However, it is common for Inuit in a similar condition to prolong the "merry-making" by visiting other houses, loitering, or congregating in public places. This fact alone increases the probability of their being spotted by the police.

A differential policy does exist, however, with respect to the decision on whether to apprehend or not. Nonetheless, this policy is predicated on a constable's discretion based on his knowledge of those in the community who, while intoxicated, can be effectively dealt with through a warning, or those who necessitate detention. It was not unusual for constables to drive an intoxicated person to his house and caution him to exercise more control in the future. On the other hand, there were individuals who were known to the police for their frequent engagement in assaultive behaviour or other forms of deviance while intoxicated. Accordingly, as a preventive measure, the police used their discretion and detained these people for a minor violation before any violence could occur.

The detention of whites when intoxicated does occur, but rather infrequently. They are more often apprehended for impaired driving. However, the following incident is an example of a white being charged for drunkenness in a public place. The situation occurred in the mall area where one of the constables involved in the evacuation of those loitering came across an inebriated white male, aged 26. The constable knew him personally, but nevertheless urged him to move along and go home. The young man, who was in the company of two Inuit males, assumed a tough image, apparently in order to impress them. The constable reiterated his command and emphasized that it applied to him as well as his two companions. The fellow became a bit sarcastic and inquired what distance would be sufficient to satisfy the constable. The latter promptly told him that he was going to be taken into custody for being drunk in a public place, to be released when sober. The white man having realized that the constable was serious, pleaded to be released, but to no avail. The constable later told us that the situation was such that he had to be careful that none of his actions could be construed as preferential treatment of the whites.

We have illustrated some of the typical situations involving public drunkenness where the police are called upon to intercede. However, the police stress that the taking of intoxicated persons into custody is not done as a form of punishment but for the protection of the person and the general public. In terms of what action should be taken, the constable has to decide for himself what is the safest course of action. He must ask himself whether the individual requires detention overnight or whether he will come to no harm if he is left on his own.

The number of persons detained under section 77 (1) of the Liquor Ordinance rose sharply from 206 in 1970 to 410 for 1971, to 1,209 persons for 1972 with a significant decline to 1,011 persons for 1973. From the total number at any one time, it has been estimated that there are approximately 50 regulars requiring detention under section 77 (1) with one individual detained 70 times within a six-month period.

According to the police, the decline in the incidence of public drunkenness during 1973 can be attributed to the agencies such as the police and Department of Social Development, as well as other government departments, acquiring more manpower to deal with the problem. In addition, it was during the fall of 1973 that interest began to grow within the community to do something about the alcohol problem. In the opinion of one officer, community reaction showing that the people care will do more than anything else to improve the situation. In the past the problem was aggravated because many people, especially the young, felt that only the police thought that it was "bad" to drink excessively. However, recent community concern, leading to a more negative attitude toward alcohol abuse, appears to have contributed to a decline in arrests for being drunk.

Another frequent violation of the Liquor Ordinance is underage drinking. The enforcement of this section has precipitated much hostility among teenagers toward the police. The major factor contributing to this animosity is that some have difficulty in accepting the logic behind the enforcement of the section of the Liquor Ordinance whereby teenagers, who may have liquor on their breath when confronted by the police, are charged and prosecuted, whereas adults or the parents of these young people, in a state of severe intoxication, may only be detained overnight under section 77 (1) and released the next day.

Other contentious areas in the enforcement of certain sections of the Liquor Ordinance are those pertaining to the supplying of liquor to a minor or the illegal possession of alcohol, the logic of which escapes many Inuit. Another section that elicits a significant amount of controversy is the alleged ineffective enforcement by the police of sections pertaining to the sale of liquor by licensed premises, particularly the hotel, to those not entitled to consume (section 69, L.O.), and to those already in an intoxicated condition (section 70 (1), L.O.).

Several people are of the opinion that in time, the Liquor Ordinance of the Northwest Territories will be amended as it was in the Yukon, where control was given back to the community and the parents. Despite an increase in offences of impaired driving, one officer noted that the emergence of a more relaxed approach to the enforcement of the amended Liquor Ordinance in the Yukon avoided many of the undesirable attitudes among the public that were the result of its rigid enforcement in the past. However, if the enforcement of the Liquor Ordinance is to be relaxed, the responsibility for the control of alcohol abuse must fall on the community.

E. Drug Control

While the non-medical use of drugs, generally confined to marijuana among a small number of whites and occasionally some of the Inuit youth, has become evident in recent years, it is our opinion that its use is still too limited to be considered an alternative to alcohol for the vast majority or as a significant factor in the incidence of criminality. However, the police are concerned by the increasing use of narcotics among Inuit, and as a preventive measure, have concentrated their surveillance among Inuit as well as non-Inuit, resulting in the first conviction in 1972 of an Inuit teenager for simple possession.

Despite the confidentiality surrounding information on the extent of police operations in the control of drugs, it appears that there has been an increase in surveillance in this area. One indication of the increase in police operations in drug control has been confirmed in a statement made by the Inspector of the Eastern Arctic Sub-Division, quoted in the *Inukshuk*, September 18, 1974, that the R.C.M.P. "has initiated an all out effort to reduce the amount of drugs being brought into the community."

While we were not able to officially establish the extent of police under-cover operations, our observations, corroborated by several sources, have indicated that occasionally, when a constable is posted to a new detachment such as Frobisher Bay or Yellowknife, he may commence his duties as an under-cover man until he becomes known. Though all members are consistently on the alert for instances involving the traffic or possession of drugs, up to the summer of 1974, no major seizures had yet been made nor had anyone been convicted for trafficking. Though there may be proposed legislation to reduce the penalties for simple possession of marijuana, as well as evidence of more lenient enforcement and sentencing policies elsewhere in Canada and in the North for this type of infraction, the fact remains that the police and courts in Frobisher Bay continue to treat this violation as a fairly serious offence.

The reported rise in the incidence of the non-medical use of drugs has resulted in a decision by the police to establish, as of November 1973, a one-man drug squad. This member fills the role of instructor, in providing drug information to the community, as well as co-ordinating the investigations of other members in this field.

One of the difficulties experienced by constables, corroborated by one R.C.M.P. officer, is the inability to distinguish conclusively between a person who is intoxicated and one under the influence of drugs. Occasionally the symptoms appear similar. For example, one member cited the case of a man who showed all the signs of being impaired while operating his car, but when asked to blow into the breathalyser, no reading was recorded.

In view of the rising incidence of drug abuse in a setting where the majority of Inuit, especially the older generation, are not familiar with its use or consequences, the force has made itself readily available for the dissemination of information regarding types of drugs and their hazards. Increasingly, the police see themselves in an educative or preventive as well as enforcement role to convince the people that drug use is wrong. Since the fall of 1973, the member of the drug squad has gone before grades seven to nine of the Gordon Robertson Educational Centre and to the student's residence to give lectures and demonstrations regarding drugs.

While there appears to have been a recent decline in the hostility toward the police for their enforcement of liquor violations, those engaged in the non-medical use of drugs and their sympathizers now harbour the greatest animosity toward the police. For example, in reference to police education efforts at the high school, one youth sarcastically referred to this as "propaganda" and an example of police efforts to "raise a bunch of little narcs."

While police concern over the non-medical use of drugs has resulted in their increased surveillance, which has achieved moderate success, a total control of its consumption and availability has been impeded by its discreet use and the existence of informers who alert users of police action.

Contentious issues regarding the police and their task

One of the major sources of controversy and confusion, as well as a factor in the negative attitude among a number of Inuit toward the police is the changing role of law enforcement in the North. Law enforcement is becoming stricter than the type of enforcement they were used to in the settlement or camp where they lived prior to their immigration to Frobisher Bay. In a settlement, the police frequently handled whatever violations occurred in an informal manner. This might involve a chat with the offender stressing the consequences of such behaviour, but with the approach that no charges would be levied if restitution or certain

assurances were made. Similarly, the constable was a source of counsel in many matters other than just the law. However, in a community the size of Frobisher Bay, the people are being confronted by a police force that is rapidly approaching the arbitrary use of southern techniques in their task of enforcement.

The often expressed belief that the police "are no longer friends to the people" or "don't help us out like they used to" stems from a failure to accept the enforcement role of the police in a semi-urban setting like Frobisher Bay, as well as a lack of comprehension among Inuit as to the extent of police jurisdiction. Particularly in the area of domestic disputes, the failure of some to understand the limitations of police authority to intercede on their behalf has further aggravated police-public relations.

The following illustrations reflect this problem. The first incident involved an inebriated Inuit male, aged 20, who had gone to the detachment for assistance. He had been having marital difficulties, and just recently, his wife had threatened to divorce him. She was presently with another man and he wanted the police to make his wife return to him. The constable replied that this was a domestic affair in which he had no authority to interfere. However, upon request, the constable drove him to the Archdeacon to obtain the latter's help.

The second incident was a call to the detachment from an Inuit male who desired the assistance of the police to remove his wife from their house because she was trying to get him drunk. The police informed him that they did not have the authority to intervene in this matter. The third illustration involves an Inuit male who called the police to beseech them to get his wife out of the F.A.R.A., a drinking establishment. He added that the children needed their mother. The police were very sympathetic, but pointed out their lack of jurisdiction in this situation. In the meantime, they suggested that he should see to the care of the children until the mother returned. He reluctantly agreed.

Another issue contributing to an unfavourable view of the police is the alleged negative attitude of several members in their approach to their task and the community. Our observations ascertained varying levels of frustration among members. This feeling mainly stemmed from a reluctance to accept the transformation of their task from what had originally encompassed the full range of law enforcement to "crisis" intervention in cases of alcohol abuse. As a result, according to one member, "some (members) tend to lose their perspective when they are too long in one place fighting drunks."

Morale during 1972 and 1973 appeared especially low among several members who felt that an enthusiastic input on their part was futile because they had the impression that the judicial and correctional sectors were not effective in stemming the increasing tide of deviant behaviour. In general, they believed that since the sentences of fines or probation dispensed by the judiciary have proven ineffective, sterner measures should be implemented.

The previous factors in addition to a lack of public support, being referred to by some as "pigs", ostracized or stigmatized at social gatherings because of their profession, frequent confrontations with the more anti-social white and Inuit elements in the course of their daily tasks, have contributed significantly to a negative stereotyping of the community by several members of the Force. However, the recent emergence of a more positive social climate in Frobisher to deal with the problems of alcohol abuse and productive community-police discussions facilitated by some internal administrative, personnel, and policy changes within the detachment, have done a great deal to reduce some of the earlier tensions between the community and the police.

One Inuit, recognized to some extent as a spokesman for the Inuit community, believed that the rift in police-community relations was due to the actions of the younger constables who didn't understand his people. He suggested that these members should have some initial experience in a settlement in order to be able to appreciate his people's previous environment. This is an interesting comment in that it was corroborated by several members of the force with many years of experience in northern policing. For example, one member stressed that new men should be posted to settlements for a one year period to acquire an understanding of the traditional culture of the Inuit prior to their transfer to a setting such as Frobisher Bay. He felt that many of the constables presently in Frobisher Bay, who had been thrust into a position of crisis intervention in situations involving the abuse of alcohol, have come to perceive the Inuit in a rather derogatory light. However, this is in direct contrast to the settlement milieu where the people are regarded as a very dignified and independent group, gradually coping with the impact of change.

Several residents in Frobisher Bay, as has been the case elsewhere in the Northwest Territories, have cited the frequent rotation of members as a factor in disrupting the continuity of law enforcement and the involvement of constables in the community. However, the rationale of the Force's policy in this matter is for members to obtain a maximum amount of experience as well as to avoid becoming too familiar with the inhabitants, particularly in a small community where any suspicion of the members' adherence to any one faction could seriously jeopardize the credibility of law enforcement.

Regarding the present level of animosity toward the police, the impression of many persons is moulded by the fact that their only contact with the police may be when they are apprehended. In consequence, it is very important that the police use their discretion in the proper handling of first offenders, particularly in incidents that are not really of a very criminal nature. For example, over-reaction to cases of under age driving of a ski-doo, or minor consumption, or overzealous clearing of the mall, etc., may have the unintended effect of fostering permanent feelings of disrespect and contempt toward the police. As mentioned previously, the hostility among non-Inuit toward the police is mainly concentrated in those engaged in the non-medical use of drugs. However, despite the increase in this animosity, many whites considered the Force much better than the law enforcement agents they had encountered in the south.

This view was in direct contrast to that of Inuit relatively entrenched in the criminal sub-group of the community. On this subject, one Inuit told us what, in his opinion, were the principal attitudes toward the police among Inuit in the community. Specifically, he established the following classifications:

1. The person who doesn't get involved in crime and has some understanding of the law will respect the police.
2. The person who doesn't understand the law but doesn't get into trouble is moderate in his estimation.
3. The person who gets into trouble but understands the law, respects the police to a certain extent.
4. The person who gets into trouble and doesn't understand the law bears the most hostility toward the police.

Our observations, corroborated by other sources, have confirmed the existence of this pattern. It is interesting to note that the level of animosity is at its peak among those who have a limited comprehension of the law and whose anti-social behaviour brings them into frequent contact with the police. However, this hostility has partially evolved from the fact that some Inuit fail to make a distinction between the police and the law. According to one informant, "there are still those who believe that the R.C.M.P. is the law."

While several sources have alleged the occasional use of unreasonable force by a member, in a moment of frustration or anger usually provoked by the physical or verbal abuse of intoxicated and belligerent persons, the major criticism voiced within the Inuit community is that "the police just don't understand Inuit." The consensus of the community regarding the ideal criteria of a northern policeman is that he have an adequate understanding of Inuit and their culture and that he be firm without being discourteous or aggressive in his daily encounters with the public.

Some debate has arisen about the quality of police assistance to the accused on occasions where the options or charge were not adequately explained. Some constables tended to read the charge as it is written in the Criminal Code without explaining it in simpler terms. Furthermore, there is sufficient evidence to indicate that Inuit not only have difficulty understanding the meaning of charges but also the full meaning of other police procedures, such as warrants, etc., and are generally too bewildered to demand a proper explanation. According to one Inuit female, "Inuit are shuffled here and there without knowing why. Unfortunately, they learn only with experience." One final note regarding the issues surrounding the police and their task is the demand by several people that the agents of law enforcement should increase their efforts in the protection of victims.

In conclusion, we would like to stress that the point of our discussion has been to illustrate some of the difficulties encountered by Inuit in their adjustment to the intervention of the formalized agency of social control in their activities, as well as some of their misunderstandings and apprehensions, often associated with a lack of comprehension of Canadian law ways, and of the authority, policies, and gradual extension of the enforcement role of the R.C.M.P. in the North. Increasingly, Inuit are demanding to be more fully informed of the Force's policies and procedures as well as the logic behind them.

Efforts to improve police-community relations

In an effort toward improving police-community relations, the Force has recently approved the institution of a liaison officer for the Northwest Territories and a commission of inquiry is presently examining its handling of public complaints. In Frobisher Bay, during 1964-65, members of the detachment were reported to have been involved in the instruction of Inuit about the law and its function. More recently, in 1971-72, one of the constables taught a co-curricular course to students from the Gordon Robertson Educational Centre, a high school, the aim of which was to make them aware of the scope of policing. He also gave them a tour of the detachment and detention facilities, an explanation of the judicial process, etc. Moderate success was achieved in terms of the information that was disseminated concerning the law and the agency appointed for its enforcement. The same constable, along with another, also spent much time in recreational activities with the teenagers in the students' residence. However, difficulties soon arose. The situation at the residence developed into one where, as the police became more frequently involved in the settlement of disturbances originating with the excessive use of alcohol, some of the students began to have negative feelings toward them. Their resentment toward the members in their formal role carried over to any efforts attempted socially or informally by any of the constables, thus making it impossible for them to relate further with the teenagers. The disillusionment that ensued on both sides became rather evident.

As we have mentioned elsewhere, the incidence of crime and resulting tensions and hostilities were at their peak during 1972 and early 1973, when the negative social climate in the community and subsequent workload of the police precluded any major advancements in public-police relations. However, during late 1973 and 1974, the emergence of some community response, particularly with regard to the problem of alcohol abuse, coincided with an increased concentration of police personnel, enabling members to devote more time to community relations.

In consequence, one member has been involved in disseminating drug information to the community, whereas others have alternately given talks on the radio explaining legal rights and laws that effect young people, or given presentations before the community or workshops on alcohol and the law. Many residents, both Inuit and whites, have attributed the recent change of attitude toward the police in the community to the officer in charge of the Frobisher Bay Detachment, who has made himself accessible to the community, Inuit Tapirisat of Canada, the media, as well as the social, medical, judicial and corrections services, with a view to the co-ordination of a public-police and inter-agency approach in the enforcement, treatment, and prevention of crime in the community.

Judicial and Associated Services

Our discussion of the judiciary and associated services entails a description of the functioning of the three levels of the judiciary, Crown and defence counsel, legal aid, interpreter corps, as well as the evolution of the factors that enter into their decision-making. Furthermore, we will focus on specific issues regarding sentencing, default of payments, and appeals, as well as on Inuit and the extent of their understanding of law, legal concepts, court procedures and orders, followed by a discussion of several measures toward the improvement of their instruction in legal matters.

Once an information or a charge has been laid against at least one person as a result of police investigation, the accused, either through his arrest or the issuance of a summons or warrant, will appear before one of the three levels of the judiciary. Subject to the gravity or type of offence allegedly committed, he will come before either the Justice of the Peace Court, held weekly in Frobisher, or one of the scheduled or requested sittings of the Magistrate's or Supreme Courts, making its circuit to the community from its judicial seat in Yellowknife.

To illustrate the volume of the judicial case load at all levels, 487 charges, comprising 214 persons, appeared before the courts for criminal offences committed during 1972 in Frobisher Bay. In a consideration of the flow of charges through the judiciary to sentence appeals, Fig. 3 reveals that of a total of 487 charges, 90.6 percent resulted in convictions, of which non-institutional sentences comprised 82.1 percent, far exceeding the percentage of 17.9 percent, that were institutionalized. The small percentage of sentence appeals corresponds to the pattern for the entire Northwest Territories.

The flow of persons, predominantly Inuit, charged for offences committed during 1972, through the judiciary to sentence appeals, outlined in Fig. 4, is similar to the previous illustration except for a slightly higher percentage of persons convicted, comprising 96.3 percent as opposed to 90.6 percent of the total of charges.

Before we commence our description of each level of court, we would like to mention that the majority of offences committed in Frobisher Bay are heard within the community. For example, as a result of our analysis of all charges for offences committed during 1972 in Frobisher Bay, it was learned that 97.6 percent came before the courts in Frobisher as compared to 1.8 percent and .6 percent heard in Yellowknife and Cape Dorset. Interestingly, Table 18 indicates that while the major portion of cases before all courts were adjudicated in Frobisher Bay, more cases appearing before the superior courts, i.e., Magistrate's and the Supreme Courts, were decided in Yellowknife than those heard by the Justice of the Peace Court. This is due to the fact that occasionally the decision has been made to keep the individual at the Yellowknife Correctional Centre for his protection or that of the community, or the individual may have been ordered to Yellowknife, following a 30 day remand for psychiatric examination in a southern centre, or the accused may have already been sentenced to the centre for one crime, with several charges still pending. The cases heard in Cape Dorset involved residents from that community who were tried for offences committed in Frobisher Bay. However, it appears that every effort is generally made to try the accused within his own community.

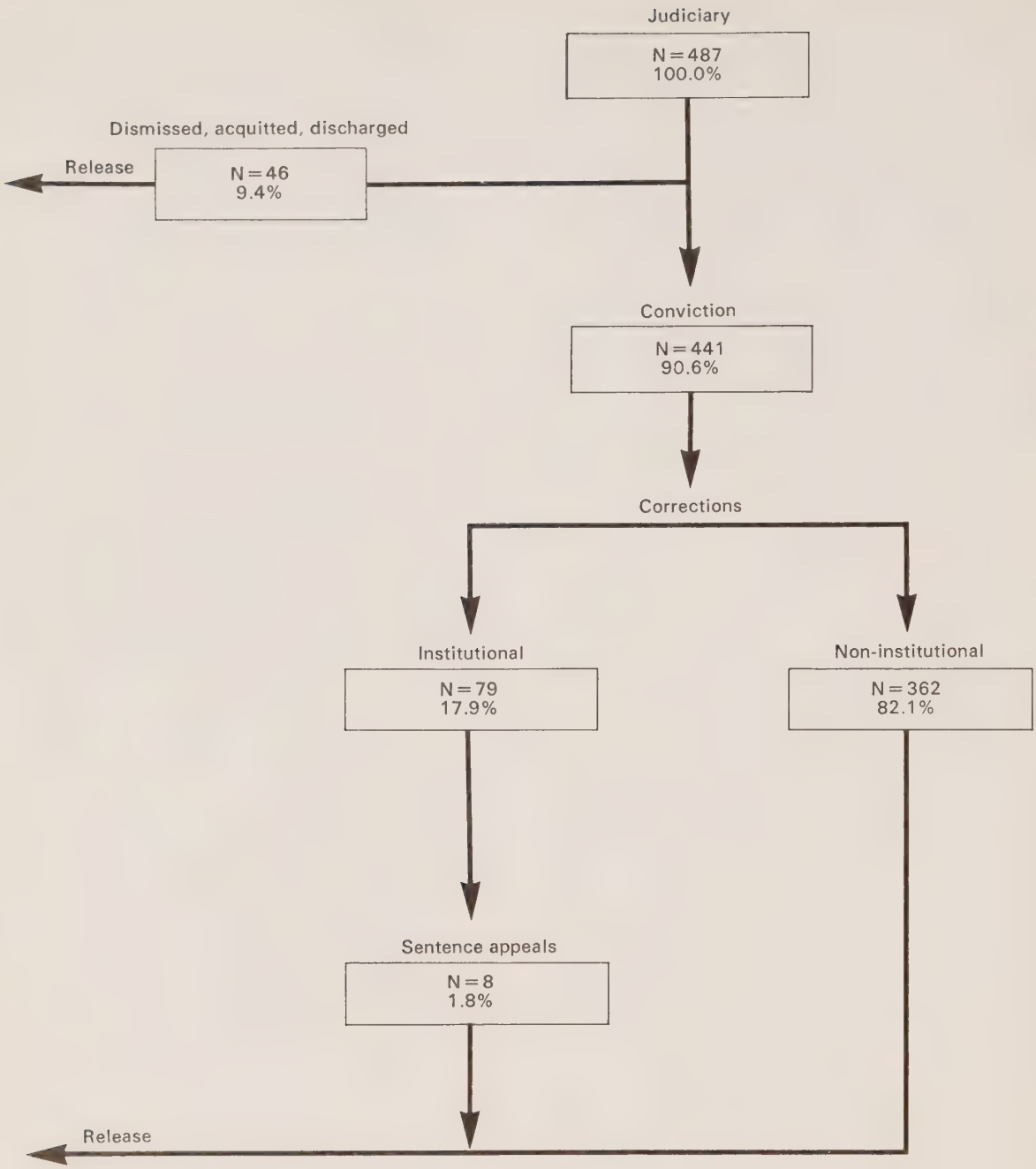


Fig. 3 — The flow of charges for offences committed during 1972, through the judiciary to sentence appeals, Frobisher Bay, NWT. Institutional sentences comprise fine plus institution, institution, and institution plus probation. Non-institutional sentences comprise suspended sentence with and without probation, probation plus fine, fine, and recognizance to keep the peace.

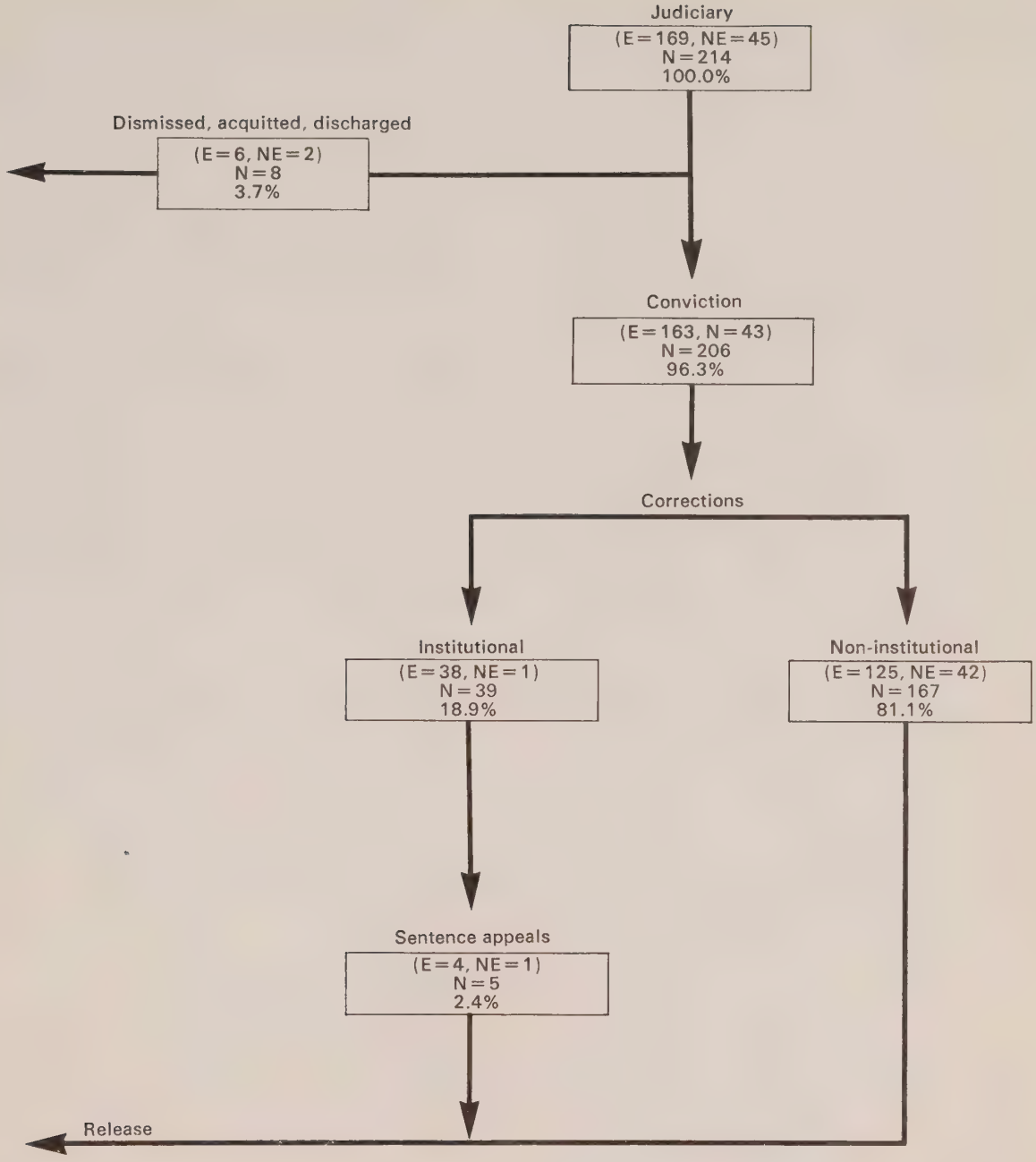


Fig. 4 — The flow of persons charged for offences, committed during 1972, through the judiciary to sentence appeals, per racial group, Frobisher Bay, NWT. E and NE represent eskimo and non-eskimo. Institutional sentences comprise fine plus institution, institution, and institution plus probation. Non-institutional sentences comprise suspended sentence with and without probation, probation plus fine, fine, and recognizance to keep the peace.

Table 18

Locale Where Case Heard for Offences Committed During 1972 in Frobisher Bay, NWT, by Type of Court

Type of court	Locale where case heard						Total	
	Frobisher Bay		Cape Dorset		Yellowknife			
	N	%	N	%	N	%	N	%
Justice of the Peace	400	99.0	3	0.7	1	0.2	404	99.9
Magistrate's + Supreme (NWT)	75	90.4			8	9.6	83	100.0
Grand total	475	97.5	3	0.6	9	1.8	487	99.9

The Justice of the Peace Court

Our subsequent description of the functioning of the Justice of the Peace Court will also focus on the hesitancy among Inuit to function as justices of the peace, on sentencing, community reaction and efforts toward an improvement in the quality of justice dispensed at this level.

The cases before this court, commonly known as J.P. court, are tried by a citizen of the community who has voluntarily offered his time to function as justice of the peace. Usually, two citizens are selected to act in this capacity. While we have documented the selection process, the lack of legal training and jurisdiction of the justices of the peace elsewhere in our study, we will once more point out that they are only able to adjudicate minor offences against the Criminal Code, federal statutes and territorial ordinances or what are termed as offences punishable on summary conviction, liable to a fine of not more than $500 or six months imprisonment or both.

During 1972, one of the two non-Inuit justices of the peace left Frobisher in July, and the other was therefore burdened with the entire case load until another justice was appointed in late fall of that year.

On one occasion, prior to the fall appointment, a justice of the peace was flown in from Yellowknife to assist in the adjudication of a large number of cases that had accumulated.

Since the fall of 1972, the majority of cases appearing at this level have been heard by the same two justices. Occasionally, a magistrate acting as a justice of the peace or, as previously mentioned, a justice from outside the community, would preside over cases before this court.

For example, Table 19 illustrates that six persons were involved in the adjudication of 404 charges appearing before the Justice of the Peace Court, for offences committed during 1972. Specifically, Justices of the

Table 19

Percent Distribution of Cases, for Offences Committed During 1972 in Frobisher Bay, NWT, Before Different Justices of the Peace, Magistrates, and Judges, by Type of Court

Type of court	Case before												Total cases	
	Justices of the Peace; magistrates; and judges												N	%
Justice of the Peace	Justice of the Peace or magistrate acting as justice of the peace													
	A		B		C		D		E		F			
	N	%	N	%	N	%	N	%	N	%	N	%		
	177	43.8	132	32.7	72	17.8	17	4.2	3	0.7	3	0.7	404	99.9
Magistrate's	Magistrates or judges acting as magistrates													
	A		B		C		D							
	N	%	N	%	N	%	N	%						
	24	33.3	31	43.1	12	16.7	5	6.9					72	100.0
Supreme (NWT)	Judges													
	A		B											
	N	%	N	%										
	9		2										11	100.0

Peace A, B, and C, comprising the three local members including the one who left the community during the summer of 1972, presided over 94.3 percent of the total number of charges, with two outside justices of the peace and a magistrate acting in this capacity, D, E and F, involved in the adjudication of the remaining 5.6 percent of cases. It is evident from this table that the majority of cases, comprising 82.9 percent of the total coming before all courts, fall within the jurisdiction of the justice of the peace and are adjudicated by citizens appointed from the community to act voluntarily in this capacity.

Generally, the workload of cases appearing before the Justice of the Peace Court, usually held weekly on Wednesday evening in the courtroom located in the old Anakudluk Building, is divided equally between the two local justices who alternate every two weeks or as required. Within the same court, members of the R.C.M.P. rotate in the role of prosecutor. While no legal counsel exists locally or is available from the outside to defend persons appearing before this level of court, a volunteer legal aid field representative, selected from the community, attends the weekly sittings of the court, ready to offer his assistance to the accused. In addition to the attendance of the latter, whose role will be discussed in greater detail elsewhere, a duty officer from the Department of Social Development is also present during the weekly sessions in the event that his services are requested by the Justice of the Peace, and since December 1973, a member of the interpreter corps has also assisted in the proceedings.

A. Hesitancy among Inuit to serve as justices of the peace

While government policy encourages the participation of indigenous persons in the justice system, Inuit have yet to be appointed as justices of the peace for Frobisher Bay. Though several Inuit have recently confided to us that they are contemplating accepting such an appointment, on the whole, Inuit are unwilling to function in this capacity.

The general consensus among whites engaged in socio-legal control is that the lack of Inuit involvement in sitting in judgment is because they shy away from exerting authority or "laying down the law among their own people." One Inuk attributed this to the fact that "a person would feel guilty about the punishment to which an accused may be subjected as a result of his decision. Furthermore, he feels he is going against the person."

Another factor that emerged during our inquiry regarding Inuit unwillingness to serve as justices of the peace is the heterogeneity of the Inuit community in Frobisher Bay. One long time resident believes that the reason for this hesitancy partially evolves from the fact that there are too many family groups from different communities, each having their own male or female leader. According to him, neither family group would relish the idea of a rival member being in a position to dispense justice nor could they respect his authority or right to interfere in their actions.

Pressure from the white as well as the Inuit segments of the community has also been cited as another reason for this reluctance. It is believed that any Inuk acting as a justice of the peace would have to be strong enough to withstand the pressure of sitting in judgment on family or friends and be sufficiently self-assured to adjudicate charges involving whites.

For some time, the two justices of the peace have tried to recruit an Inuk to sit as an advisor on sentencing or decision-making in cases before this court. In time, it was hoped that a suitable candidate, having acquired some experience, could sit full time, either alone or together with one of the experienced justices of the peace. One Inuk offered his services during the fall of 1973, only to quit within three weeks stating that he just didn't have the time. During his brief experience, he sat together with another justice of the peace for several sessions. However, his input was limited because he appeared to have convinced himself that he could contribute nothing because he had little knowledge of the law, or how to read or write, and thus was unwilling to offer any suggestions to assist the justice of the peace during their adjournment to discuss the case. However, we believe that the factors previously mentioned probably also entered into the reasons for his hesitancy to give his opinion regarding the case, and for his subsequent resignation.

Nevertheless, several Inuit have recently indicated an interest in the position. Inuit, including those engaged in deviant behaviour, have declared to us that they would prefer an Inuk as a justice of the peace if he were able to acquire a sufficient knowledge of the law. It appears that many Inuit previously believed the opinion expressed by some whites, that mainly because of their lack of technical knowledge of the laws, procedures, etc., Inuit are not capable of serving as justices of the peace. However, this self-defeating attitude appears to be gradually disappearing with more Inuit believing that they "too can make a good judgment."

B. The decision-making process

The workload of the Justice of the Peace Court, or J.P. Court, as well as that of the other agencies involved in socio-legal control in the community, reached its height during 1972 and continued late into 1973. However, recent community concern and action regarding the social and criminogenic consequences of alcohol abuse have been a factor in reducing the number of charges under the Liquor Ordinance and alcohol-related incidents coming before the J.P. Court. The decline in the volume of cases at this level was particularly evident during the winter of 1974, when the sittings were usually terminated within half an hour, in sharp contrast to the situation in the past where the volume of cases necessitated frequent sessions extending from one to two hours, and occasionally more.

However, despite the recent reduction in their criminal caseload, the two justices of the peace are still fully occupied with the welfare and juvenile cases that fall within their jurisdiction. In consequence, they are of the opinion, shared by several others, that the volume of work in Frobisher, often involving 10 to 12 hours of their free time, necessitates the appointment of a third justice of the peace.

To commence our description of the functioning of the J.P. Court and its decision-making, we will examine our findings on all cases that appeared before this court, arising from offences committed during 1972 in Frobisher Bay. This will be followed by an illustration of sample cases and a discussion of the factors involved in sentencing.

1. Result of charges appearing before J.P. Court: 1972

In an examination of the flow of a total number of 404 charges for offences committed during 1972, proceeding through the Justice of the Peace Court to sentence appeals, Fig. 5 reveals that 95.3 percent culminated in convictions; the majority were given non-institutional sentences, comprising 86.8 percent as compared to 13.2 percent sentenced to fine plus institution, institution and institution plus probation. The flow of 183 persons, mainly Inuit, illustrated in Fig. 6, approximates the previous pattern, though slightly exceeding the percentage convicted, comprising 96.7 percent of the total as compared to 95.3 percent.

Regarding the nature of plea for charges before the J.P. Court, Table 20 indicates that of a total of 404 charges, 379 or 93.8 percent resulted in a plea of guilty as compared to 25 or 6.3 percent comprising pleas of not guilty or no plea entered. This has been attributed to the relative straight-forward nature of these offences, the majority being minor statutory offences generally punishable irrespective of the existence of *mens rea*, in addition to the unavailability of legal counsel at this level of the judiciary. The over and under representation of the type of plea for charges by the nature of the offence per racial group is similar to the frequency of the number and type of offence involving Inuit and non-Inuit.

Of a total of 404 charges, the result illustrated in Table 21 as well as in Fig. 5 reveals that 385 or 95.3 percent terminated in convictions as compared to only 19 or 4.7 percent that were dismissed or acquitted. With respect to the over and under representation of charges leading to convictions, dismissals or acquittals by nature of offence per racial group, the pattern corresponds to the incidence of the number and type of offences committed by Inuit and non-Inuit.

As to the nature of the distribution of charges by the type of offence per racial group appearing before the J.P. Court, Inuit, when compared to non-Inuit, are significantly over represented in liquor offences and slightly more in those against property, and markedly under represented in motor vehicle violations, and to a lesser extent, in offences against the administration of justice, drugs and other, with almost equal representation in offences against the person.

Before continuing, we would like to reiterate the findings of Table II regarding the percent distribution of alcohol as a factor in offences comprising the total number of convictions by the J.P. Court per racial group. To summarize, regarding convictions involving Inuit as compared to non-Inuit, alcohol was a factor in the offence in 80.9 percent of the total, the majority being violations of the Liquor Ordinance, in contrast to only 35.7 percent of convictions among non-Inuit where alcohol was a contributing factor.

In our previous findings we have already determined that of a total of 385 convictions for charges appearing before the J.P. Court, 86.8 percent warranted non-institutional sentences in contrast to only 13.2 percent that resulted in institutional measures. Furthermore, Tables 22A and 22B reveal that fines, predominantly under $75, were given in 319 convictions, or 95.5 percent of the total receiving non-institutional sentences, as opposed to 46 convictions or 90.2 percent that culminated in imprisonment only, mainly terms of one to seven days and one to one and one-half months of the limited total receiving fine plus institution, institution only, or institution with probation. Regarding the dispositions of convictions by offence type for Inuit, the tables indicate that the category of liquor offences, comprising 69.5 percent, was the predominant offence type receiving non-institutional sentences as well as being the major offence type, representing 66.0 percent of the total sentenced to jail only, or in addition to a fine or probation. On the other hand, motor vehicle offences, consisting of 57.7 percent, was the most frequent offence type among non-Inuit given non-institutional sentences while the number incarcerated was too limited for purposes of analysis. We might add that the over representation of liquor offences among the total number of Inuit incarcerated, chiefly concerning minor consuming, the unlawful possession of alcohol and supplying liquor to a minor, has been reduced somewhat as a result of an amendment to the Liquor Ordinance; this was passed on February 9, 1973, establishing that penalties for underage drinking not exceed $25 or seven days imprisonment, or both. In consequence, the situation during 1972 where four Inuit teenagers, convicted for underage drinking, were sentenced to jail terms of between one and one and one-half months will no longer be permitted.

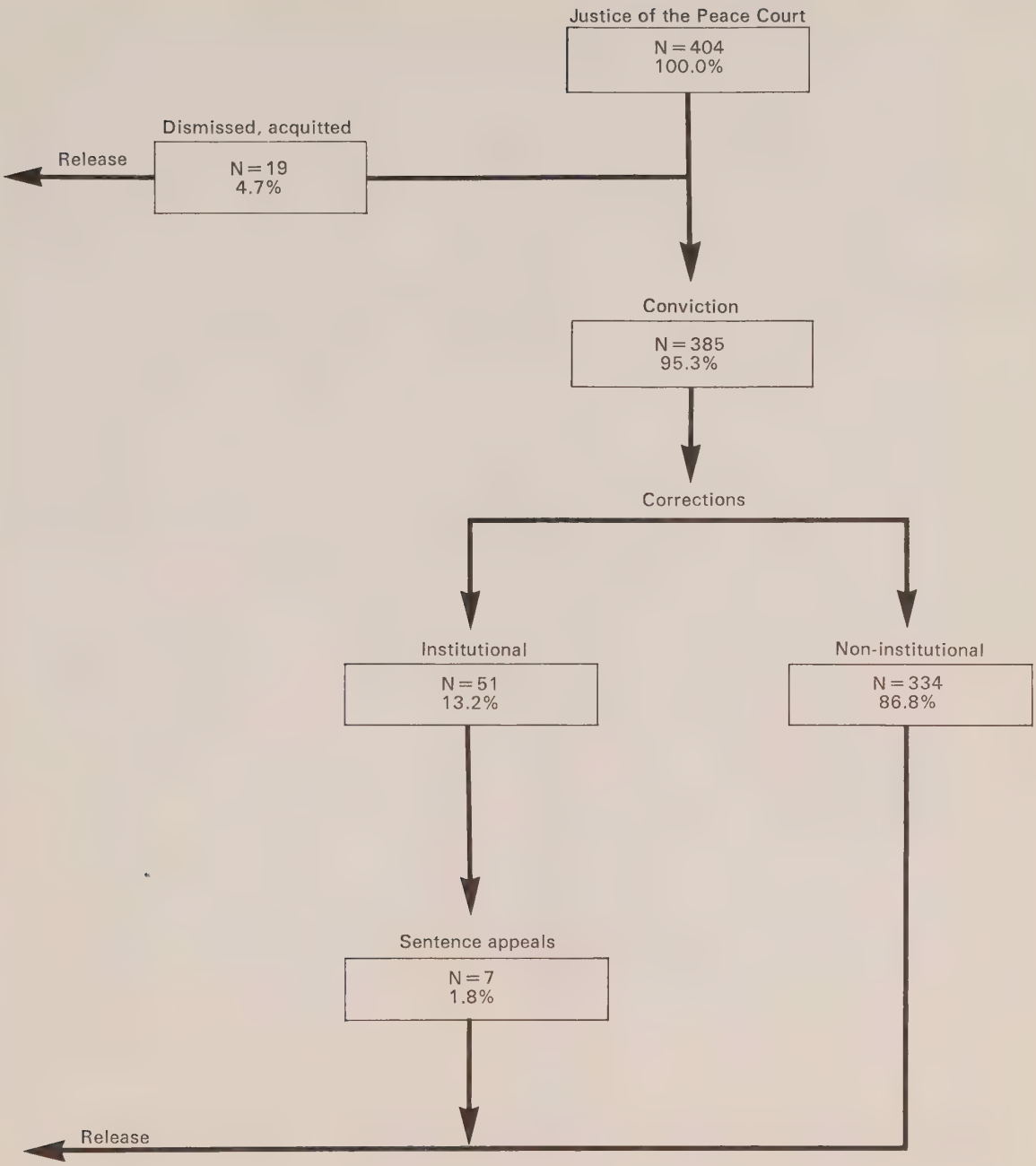


Fig. 5 — The flow of charges for offences committed during 1972, through the Justice of the Peace Court to sentence appeals, Frobisher Bay, NWT. Institutional sentences comprise fine plus institution, institution, and institution plus probation. Non-institutional sentences comprise suspended sentence with and without probation, probation plus fine, fine and recognizance to keep the peace.

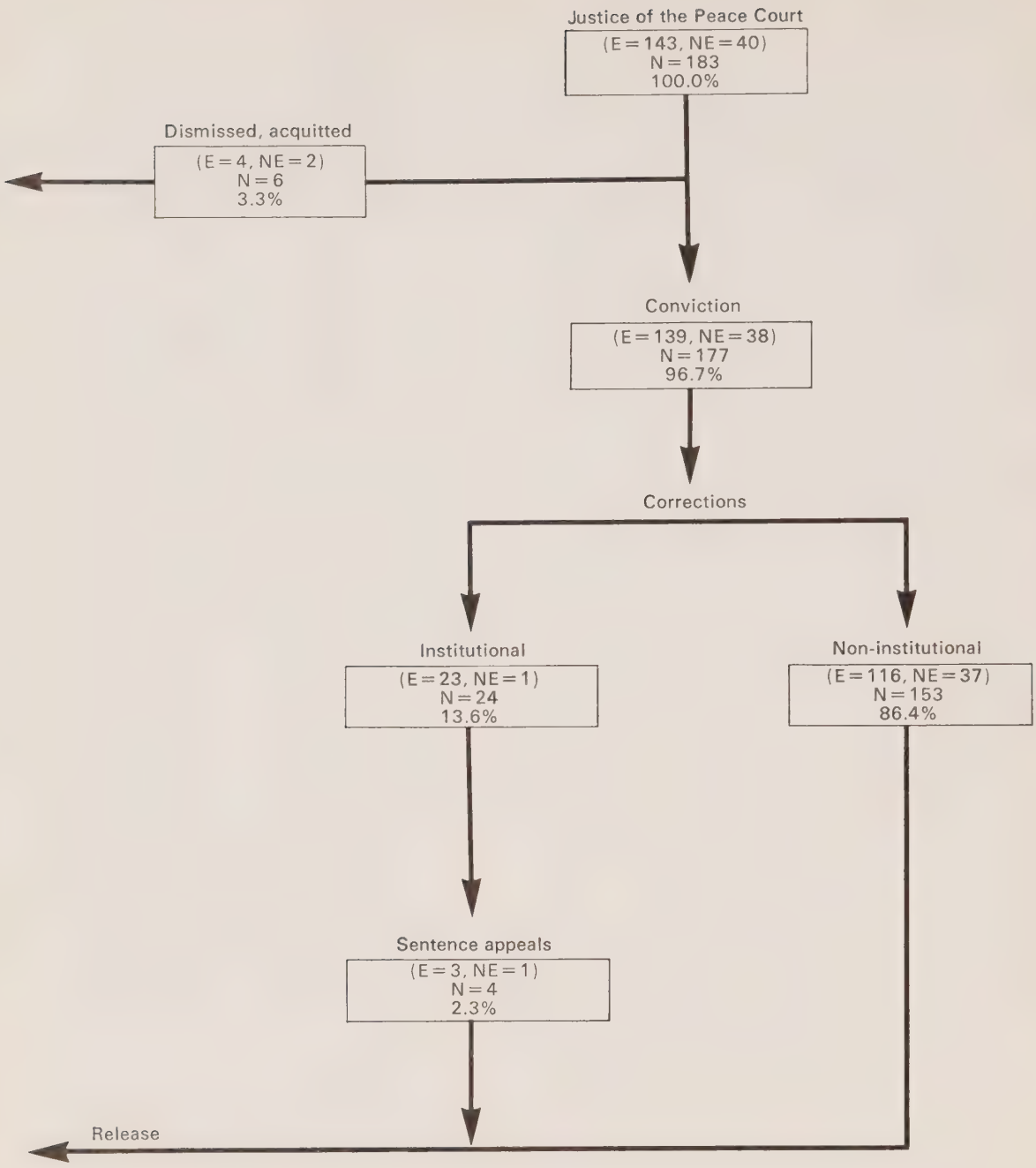


Fig. 6 — The flow of persons charged for offences committed during 1972, through the Justice of the Peace Court to sentence appeals, per racial group, Frobisher Bay, NWT. E and NE represent Eskimo and non-Eskimo. Institutional sentences comprise fine plus institution, institution, and institution plus probation. Non-institutional sentences comprise probation plus fine, and fine.

Table 20

Nature of Plea for Charges Arising from Offences Committed During 1972, Before the Justice of the Peace Court, by Offence Type per Racial Group[1], Frobisher Bay, NWT

Offence type	Plea of guilty				Plea of not guilty		No plea entered		Total charges			
	E		NE						E		NE	
	N	%	N	%	E	NE	E	NE	N	%	N	%
Against the person	43	13.1	7	13.5	3			1	46	13.5	8	12.7
Against property	13	4.0	1	1.9	1				14	4.1	1	1.6
Motor vehicle	25	7.6	29	55.8		4	1	1	26	7.6	34	54.0
Liquor offences	226	69.1	6	11.5	4	4	4	1	234	68.6	11	17.5
Against administration of justice, drugs and other	20	6.1	9	17.3			1		21	6.2	9	14.3
Grand total	327	99.9	52	100.0	8	8	6	3	341	100.0	63	100.1

[1]E and NE represent Eskimo and non-Eskimo.

Table 21

Result of Charges Arising from Offences Committed During 1972, Before the Justice of the Peace Court, by Offence Type per Racial Group[1], Frobisher Bay, NWT

Offence type	Dismissed, acquitted		Convictions (original charges)				Total charges			
			E		NE		E		NE	
	E	NE	N	%	N	%	N	%	N	%
Against the person	2	1	44	13.4	7	12.5	46	13.5	8	12.7
Against property	1		13	3.9	1	1.8	14	4.1	1	1.6
Motor vehicle	1	4	25	7.6	30	53.6	26	7.6	34	54.0
Liquor offences	7	2	227	69.0	9	16.1	234	68.6	11	17.5
Against administration of justice, drugs and other	1		20	6.1	9	16.1	21	6.2	9	14.3
Grand total	12	7	329	100.0	56	100.1	341	100.0	63	100.1

[1]E and NE represent Eskimo and non-Eskimo.

Table 22A

Conviction of Offences Committed During 1972, Before the Justice of the Peace Court, by Offence Type per Racial Group[1], Frobisher Bay, NWT

Offence type	Sentence: Non-institutional													
	Suspended sentence		Suspended sentence + probation		Probation + fine		Fine		Recognizance to keep the peace		Racial group sub-total			
											Eskimo		Non-Eskimo	
	E	NE	E	NE	E	NE	E	NE	E	NE	N	%	N	%
Against the person			2				30	5	1	1	33	11.7	6	11.5
Against property	1		1				8	1			10	3.5	1	1.9
Motor vehicle							25	29		1	25	8.9	30	57.7
Liquor offences	1		4		1		190	9			196	69.5	9	17.3
Against administration of justice, drugs and other			1				17	5		1	18	6.4	6	11.5
Grand total	2		8		1		270	49	1	3	282	100.0	52	99.9

[1]E and NE represent Eskimo and non-Eskimo.

Table 22A (continued)

Conviction of Offences Committed During 1972, Before the Justice of the Peace Court, by Offence Type per Racial Group[1], Frobisher Bay, NWT

Offence type	Sentence: Institutional										Total convictions	
	Fine + institution		Institution		Institution + probation		Racial group sub-total: Eskimo		Racial group sub-total: Non-Eskimo			
	E	NE	E	NE	E	NE	N	%	N	%	N	%
Against the person			10	1	1		11	23.4	1		51	13.2
Against property			3				3	6.4			14	3.6
Motor vehicle											55	14.3
Liquor offences	3		28				31	66.0			236	61.3
Against administration of justice, drugs and other			2	2		1	2	4.2	3		29	7.5
Grand total	3		43	3	1	1	47	100.0	4	100.0	385	99.9

[1]E and NE represent Eskimo and non-Eskimo.

Table 22B

Conviction of Offences Committed During 1972, Before the Justice of the Peace Court, by Offence Type per Racial Group[1], Frobisher Bay, NWT

Offence type	Detail of sentence: Non-institutional																		Racial group sub-total			
	Suspended sentence		Suspended sentence + 1-6 months probation		6 months probation + $50-$200 fine		Fine: 1-24		25-49		50-74		75-99		100-199		200-299		Recognizance to keep the peace		Eskimo		Non-Eskimo	
	E	NE	E	NE	E	NE	E	NE	E	NE	E	NE	E	NE	E	NE	E	NE	E	NE	N	%	N	%
Against the person			2				1		11		11	2	1	3	6				1	1	33	11.7	6	11.5
Against property	1		1				2		1		3		1			1	1				10	3.5	1	1.9
Motor vehicle		1					7	10		5	12	7		4	6	2		1			25	8.9	30	57.7
Liquor offences	1		4		1		78	3	56	2	41		11	4	4						196	69.5	9	17.3
Against administration of justice, drugs and other			1				1	1	7		5				3		1	4		1	18	6.4	6	11.5
Grand total	2	1	8		1		89	14	75	7	72	9	13	11	19	3	2	5	1	2	282	100.0	52	99.9

[1]E and NE represent Eskimo and non-Eskimo.

Table 22B
(continued)

Conviction of Offences Committed During 1972, Before the Justice of the Peace Court, by Offence Type per Racial Group[1], Frobisher Bay, NWT

Offence type	Detail of sentence																Total convictions	
	Institutional																	
	Fine + institution $25 + 7 days		Institution 1-7 days		Institution 1 month-1½ months		Institution 2 months		Institution 3-6 months		1-4 weeks + 6 months probation		Racial group sub-total Eskimo		Racial group sub-total Non-Eskimo			
	E	NE	E	NE	E	NE	E	NE	E	NE	E	NE	N	%	N	%	N	%
Against the person			1				4	1	5		1		11	23.4	1		51	13.2
Against property					2		1						3	6.4			14	3.6
Motor vehicle																	55	14.3
Liquor offences	3		12		12		2		2				31	66.0			236	61.3
Against administration of justice, drugs and other			2					2				1	2	4.2	3		29	7.5
Grand total	3		15		14		7	3	7		1	1	47	100.0	4	100.0	385	99.9

[1]E and NE represent Eskimo and non-Eskimo.

2. Factors considered in sentencing

We will now focus on some of the general factors or dynamics that enter into play during the decision-making process of the J.P. Court. Specifically, we centre on the interplay of the perception of crime by the justice of the peace, community pressures, the role of the police prosecutor, general considerations in the sentencing of individuals, and a special note on the approach to liquor and drug offences.

In the decision-making process, the justice of the peace, or J.P., is influenced by his own perception of the etiology, incidence and gravity of crime in general and in the community, as well as being susceptible to community attitudes. While the J.P. strives to remain aloof from any undue pressure from the community, he does ask himself or tries to assess whether the offence is a serious matter in terms of the local situation and community opinion. For example, while the non-medical use of drugs may not be regarded as a major criminal act elsewhere, according to one J.P., this is not the case in Frobisher Bay. He believed the majority of the community feels that there are sufficient difficulties with alcohol without the additional problem of drug abuse. Generally, the J.P.s are of the opinion that they are not solely acting on their own and that their decisions reflect the general consensus of community feelings. However, one member of the local bench did admit that his feedback from the community has been largely restricted to the non-Inuit, rather than Inuit residents.

Another factor that may influence the J.P. may be the extent to which he follows the directions of the police prosecutor. While some members of the force on court duty may just present the facts or information pertaining to the case, others may perhaps ask for a particular penalty or a severe one, and may even initiate an appeal if he and his superiors believe that the sentence has been too mild. Both J.P.s have cited instances, particularly during the early stages of their tenure, where they were pressured by a member to give a certain sentence. At present, however, they state that they do not necessarily take into account the recommendation of the police as to the type of sentence that should be given.

While the dual role of a member of the Force as informant and prosecutor has been much criticized locally and elsewhere in the Northwest Territories, most qualified observers, though against the idea in principle, are of the opinion that the economics of the situation preclude the changing of this structure in the immediate future. However, presently, with the attendance of the duty officer from the Department of Social Development as well as the legal aid field representative at the weekly sessions, it appears that sufficient safeguards exist to ensure that the rights of the accused are protected. Furthermore, the presence of a member of the interpreter corps has been a drastic improvement over the services previously provided by freelance interpreters.

Further complicating the efforts of those engaged in the administration of criminal justice is the suspicion in some quarters of the community that there is collusion between the police and the justices of the peace. While the J.P.s try to have a working relationship with the Force, they are quick to point out that they do not consider themselves the judicial servants of the police. To dispel these rumours, one J.P. has informed us that he avoids riding in police cars and generally attempts to restrict his relationship with the members to a professional level.

Regarding the general factors considered by J.P.s in disposing of the cases before them, both members of the bench stressed that the principal variables that enter into their decision are the existence of a previous record, the circumstances regarding the present offence and its effect on the community, and the impact of the sentence upon the accused and his family. An examination of the accused's work record, family stability and relationship, whether the sentence will help the accused or embitter him, and whether it will serve to avoid a repetition of the act, were also cited. Incarceration was generally regarded as a last resort, with fines, the amount dependent on the gravity of the offence and ability to pay, comprising the principal option utilized in sentencing, along with occasional dispositions of placement on probation.

While some members sitting on the bench of the superior courts are apprehensive about J.P.s holding trials in cases where a not guilty plea was entered, and are of the opinion that whenever possible they should refer cases involving difficult points of law to the higher courts, the local J.P.s generally feel that they have been able to deal effectively with situations that have arisen. Furthermore, they do not feel it is a good policy to prolong the cases until the arrival of the Magistrate's or Supreme Courts and tend to rely on the appeal system as an adequate safeguard for any error in their judgment.

Usually the J.P. would request a pre-sentence report when he was not too familiar with the accused or his background, and particularly when he did not know what precipitated the delinquency. He would also do so in a case involving the neglect of children in order to get the Department of Social Development to evaluate the circumstances in greater detail, or in situations where he was "looking for something" that might convince him not to jail someone.

As we have seen, sentencing by the Justice of the Peace Court has been concentrated on fines, short term jail terms, and probation, with occasional combinations of institution plus fine or probation. It will be interesting to observe to what extent the option of sentencing to the newly established Baffin Correctional Centre or *Ikajurtauvik* will be used in the future. Hitherto, attempts at creative sentencing, limited to day release from the detachment jail or weekend sentences, have not worked out because, according to one knowledgeable observer, "the police have not been keen on the idea."

Regarding their approach to the sentencing of liquor offenders, J.P.s both within and outside the community have expressed their exasperation in this matter and many have become resigned to the fact that their sentences fail to effectively deter or control those who violate the Liquor Ordinance, especially a small core of chronic drinkers. In Yellowknife, one justice of the peace remarked that in his 13 years' experience on the bench, he hasn't "had any significant influence in changing these people" (liquor offenders) through his sentences and believes this "to be the case with many other J.P.s and even magistrates across the North."

While a J.P. has a wide range of options, it is difficult to decide which would have any measurable impact in stemming the tide of liquor abuse. Generally, the local J.P.s are not in favour of jail terms for this category of offender. However, "while it is unfortunate to send someone to jail for violation of the Liquor Ordinance," one magistrate concluded, "if there is a rash of such offences with no improvement by non-institutional measures, jail might be the only alternative." In Frobisher, there are several vocal individuals who advocate stiffer sentences for liquor offenders in order "to dry out some of the serious drinkers."

The frequency of underage drinking, particularly among Inuit females, has resulted in a rather standard approach by the J.P.s They usually impose a fine of $5 to $10 with a maximum of $25, in the case of a person who is employed or has made several previous appearances. These fines are not really designed or able to stop minors from drinking. They are regarded only as measures of punishment. Though the J.P.s do not believe that jail is a deterrent or even an appropriate sentence for this offence, during 1972, perhaps in a moment of frustration, a total of ten Inuit, mostly regular drinkers, were sentenced to jail for a period ranging from one to seven days with or without a $25 fine, while four were given terms from one to one and one-half months. However, as previously mentioned, a recent amendment to the Liquor Ordinance pertaining to this section, setting the maximum fine and length of imprisonment at $25 and not more than seven days, has made it impossible to incarcerate such offenders for longer periods.

While observations during late 1973 and early 1974 have indicated a downward trend in the incidence of minor consuming, partially attributed to the greater control and discipline of students by hostel administrators and staff, the J.P.s are resigned to the fact that their intervention will have little or no effect if the person is not motivated to stop drinking. During 1972, attempts were made by the court to send convicted offenders to the alcohol clinic, but if there were no indications of success, the court generally did not insist that a person continue to attend. Occasionally, a J.P. will bring a case to the attention of the Department of Social Development in the hope that they may be of some assistance.

In sharp contrast to minor consuming, supplying liquor to a minor is regarded as quite serious by both the police and the courts. This stems from their belief that, in the majority of cases, there is an ulterior motive — usually the seduction of a female teenager through alcohol. The severity in the sentencing of these offenders, in an effort to deter them as well as the general public, is reflected in high fines, particularly if the offender is employed, and occasional jail terms for recidivists. For example, during 1972, fines imposed for this offence were generally $50 to $100 and six Inuit were institutionalized, the terms ranging from one to six months.

However, while Inuit charged for this or any other offence rarely offer any explanation as to the motive or circumstances surrounding the offence, one Inuk informed us that many Inuit give liquor to others out of friendship, without attaching any great importance as to whether the person is of age or not. Another situation where no ulterior motive was present was the case of an aggressive teenager who had entered a house and helped himself to some liquor, with the result that a charge was laid against the householder.

Occasionally, a J.P. may place chronic liquor offenders on the interdiction list forbidding their consumption of alcohol during a set period of time. However, this measure, though infrequently implemented, appears effective only when the person is willing to make an effort to help himself. Several observers in the community believe that such a measure may only engender further hostility because any subsequent violation is regarded as a breach of the interdiction order and leads to more severe sanctions than if the person had not been on the list.

One J.P. defended his occasional placement of chronic offenders on the interdiction list by stressing that their actions have indicated that they are not willing to abide by the law, and as a consequence, they should forfeit their drinking privilege. While he agreed that a jail sentence resulting from a breach of the interdiction order has serious consequences, he believed that it might result in some treatment for the accused or the intervention of the Department of Social Development, as well as "jolt the community to establish the proper facilities to deal with the hard core cases."

Generally, persons charged with the possession of a narcotic, usually marijuana, are fined between $200 and $300, occasionally accompanied by a lecture on the gravity of the offence and the consequences of the non-medical use of drugs. A sentence of probation is generally not considered because, according to one social worker, "there is little point in dealing with these offenders in a therapeutic manner or discouraging their drug use if they do not feel their action is wrong."

Interestingly, while one J.P. advocates stiffer sentences for whites involved in the distribution of drugs among Inuit, or sharing with them, the other does not make this ethnic distinction when sentencing for the traffic of drugs.

3. Illustrations

The following cases serve to illustrate some of the types of situations that appear before the Justice of the Peace Court. We will begin with two examples of underage drinking.

Case 1. This incident involved an Inuit female, aged 17, appearing before the J.P. Court on a charge of minor consuming to which she subsequently pleaded guilty. Information surrounding the offence revealed that the police were called to one of the high rise apartments to apprehend the accused who was found, in a drunken stupor, in one of the hallways. Having heard the facts, the J.P. inquired as to who had supplied her with alcohol. The girl, apparently embarrassed by her appearance in court, failed to reply. The J.P. then sentenced her to a $10 fine plus $2 costs with three weeks to pay, and in default, two days in jail. Upon explaining the mail-in fine system and giving her the envelope, he remarked that he "was sorry to see her back."

Case 2. An Inuit male, aged 18, was charged with minor consumption. At court he asked for legal assistance. Having consulted with the legal aid representative, the accused pleaded guilty. His previous record included three convictions for minor consumption and one for common assault. The youth offered no comment as to his motivation or the existence of any extenuating circumstances surrounding the offence. He was fined $25 plus $2 costs, with three weeks to pay, and in default, five days in jail.

Both incidents of minor consumption culminated in a fine, which is the usual procedure. The attitude of these accused, manifested by a hesitancy to reveal the source of the alcohol or volunteer any information concerning their motivation for the offence or the possible existence of any extenuating circumstances, appears to be rather typical of Inuit.

The following cases involve impaired driving.

Case 3. This involved a white man, aged 46, who had been charged with impaired driving, to which he subsequently pleaded guilty. The accused had no previous record. However, the Justice read him an excerpt from the Criminal Code on impaired driving and the seriousness of the offence, and in conclusion, declared the person guilty as charged and fined him $50 plus $2 costs, and in default, two weeks in jail.

This was an illustration of one of the many cases of whites brought before this court during 1972 in violation of the vehicle ordinances or guilty of impaired driving. The standard procedure seemed to be a fine coupled with a stern lecture on the gravity of the charge and the more severe penalties that could be given. In recent years, the fines have increased, a fact illustrated in the subsequent case.

Case 4. An Inuit male, aged 27, was charged with impaired driving and driving with more than 80 mgs. of alcohol in his blood. The facts presented by the police revealed that the accused had been apprehended in an intoxicated state while operating a skidoo. At the detachment, he agreed to take the breathalyser test which recorded a reading of alcohol in the blood exceeding the legal limit. The accused, who required the services of an interpreter and legal aid field representative, subsequently pleaded guilty to impaired driving whereupon the police prosecutor withdrew the second charge. The J.P. sentenced the accused to a fine of $150 plus $2 costs with three weeks to pay, and in default, seven days in jail, as well as disqualifying him from driving a skidoo for the next three months.

The number of such incidents of impaired driving among Inuit has risen considerably. The above case shows the general practice of the Crown to withdraw the charge of driving with more than 80 mgs. of alcohol in the blood when the accused has pleaded guilty to impaired driving.

Our subsequent illustrations focus on cases dealing with causing a disturbance by being drunk in a public place and one pertaining to the dangerous use of a firearm.

Case 5. This incident concerned an Inuit male, aged 24, charged with causing a disturbance by being drunk in a public place. Police information stated that the incident occurred at the Palace Theatre where the accused, in an intoxicated condition, was asked to leave. Refusal to comply resulted in his ejection whereupon the police arrived on the scene and arrested him. Following the accused's plea of guilty, the J.P., in consideration of his previous appearance for similar charges, imposed a $100 fine plus $2 costs with three weeks to pay, and in default, seven days in jail.

We have presented this case as an example of an offence appearing frequently before this court, as well as of the J.P.'s assessment of the accused's previous record and recidivism regarding this type of offence in arriving at a decision as to the magnitude of the fine.

Case 6. The situation involved an Inuit female, aged 22, who was charged with the dangerous use of a firearm. When asked her plea, she stated "I guess I am guilty." This upset the Justice, who asked her to be more precise. Thereupon, she pleaded guilty. The incident involved her assault on another person with a knife. She also had a rifle in her hand and had threatened to shoot the person. At the time of the offence, she was intoxicated. The victim, who had been stabbed, refused to press charges and, as a result, the police proceeded to charge her with the dangerous use of a firearm. Though the accused offered no comments about the incident, the police revealed that she had been under great emotional stress. She was found guilty and fined $25 plus $2 costs, with two weeks to pay, and in default, seven days in jail.

This case, among others, is an example of the frequency of uncertainty as to what plea should be entered. Similarly, it confirms the observations that the majority of cases of assault have been induced by the excessive use of alcohol. As mentioned previously, the fact that the victim did not desire to press charges is rather common in the community. The following cases reflect instances involving the illegal possession of alcohol — a type of offence which plagues the court dockets.

Case 7. An Inuit male, aged 27, was before the court on two charges. He required an interpreter. The first charge was the unlawful possession of a bottle of rum, a quarter full. The accused had no previous record for this year. When asked by the J.P. whether he had any explanation for his actions, the accused ventured no comment. For this offence he was fined $25 plus $2 costs, with three weeks to pay, and in default, five days in jail. The day after being charged for this offence, the accused was picked up again for a similar violation. He admitted to having committed the infraction. The circumstances indicated that the accused had opened a bottle of liquor at the Palace Theatre and had tried to escape while being questioned by the police. He was subsequently apprehended and detained in the detachment till sober. As in the previous instance, the accused offered no explanation. However, the J.P. became somewhat insistent and finally obtained the following information. Apparently the accused had received his pay cheque on a Friday and had gone on a drinking spree which led to his subsequent apprehension by the police. The police prosecutor revealed that two weeks later, also on the occasion of a pay day, the accused was detained for being intoxicated near the liquor outlet, but no charges had been laid. The accused admitted that on pay days he would indulge in drinking since he then had the necessary funds. The J.P. suggested that if he wanted to drink, he should do so in the privacy of his home, where the risks of being apprehended by the police would be greatly reduced. On the latter charge the accused was fined $25 plus $2 costs, with three weeks to pay, and in default, five days in jail. At the conclusion of the case, the J.P. and the police prosecutor just shook their heads, remarking on the futility of attempting to control such individuals.

The incident illustrates the frustration of the judiciary and the police over their inability to effectively deter or control the incidence of violations triggered by the excessive and prolonged use of alcohol.

Case 8. The following case involved an Inuit female, aged 23, who had an extensive record for violations under the Liquor Ordinance and assaultive or destructive acts precipitated by alcohol. She was charged with the unlawful possession of alcohol. Police information revealed that they were called to investigate a disturbance in the lobby of the hotel where they found the accused in an intoxicated condition with a bottle of liquor in her possession. Upon hearing the facts, to which the accused pleaded guilty, the J.P. made an order to place the accused on the interdiction list for a period of 12 months. During one point in the proceedings, when the J.P. was engaged in a conversation with the probation officer, the accused, somewhat intoxicated, approached the bench and stood face to face with the J.P. She glared at him for a moment, and then shouted, "no one is going to change me — no cops or courts!" The J.P., somewhat taken aback by this sudden outburst, demanded her opinion as to what should be done with her. Furthermore, he informed her that if she wished to live in society or in Frobisher Bay, she would have to abide by the laws. The case was remanded for sentencing to the following week when the J.P. imposed a $25 fine plus $2 costs with four weeks to pay, and in default, five days in jail. In addition, he warned her that if she appeared again, she would be sent to jail.

In addition to illustrating the general inability of the agencies of socio-legal control to effectively deter or treat the anti-social behaviour of some of these chronic offenders, whose aggression comes to the fore with the excessive use of alcohol, the case also serves to show the animosity these individuals harbour toward the police and courts for their interference in their activities.

C. Several reactions to J.P. Court

While we have ascertained the existence of some disagreement in the community regarding the types and priority of the factors that enter into the decision-making of J.P.s, we would like to comment briefly on some of the impressions people have of this court in general, or about their appearance before it.

Whites, perhaps as a result of their adequate knowledge of the court, are more concise in their criticisms, which focus on the technicalities of law, sentencing, etc. Accordingly, they are fairly cognizant of its limited jurisdiction and sanctioning authority, regarding their appearance before the court as rather inconsequential. However, some are embarrassed at having to appear, since the proceedings are open to the public, and they can sometimes become a source of amusement for some misguided individuals in the community.

Both whites and Inuit are aware that sentencing generally involves the imposition of a fine. Because of this, one Inuk believed that many of his people perceive this court as "being too interested in money." Furthermore, he added that "these fines do not deter nor correct people. Besides, they are usually given enough time to pay to raise the money." While many whites have come to expect punishment in the form of fines for the violation of minor or quasi-criminal offences, some Inuit appear to be disillusioned by what they view as this court's emphasis on punishment, rather than rehabilitation. Perhaps, this has partially evolved because many fail to understand or have not been properly informed that this court does not have the same jurisdiction or sentencing powers as the superior courts.

Except in the case of recidivists, especially the younger group, the attitude among Inuit making their court appearance, particularly before the superior courts, is generally characterized by apprehension, embarrassment, shyness and bewilderment due to the unfamiliar setting. Many stoically accept the decision of the court. "After all," according to one Inuk, "the act has happened and nothing can be done about it now."

D. The improvement of J.P.s

As we have mentioned previously, the annual conference of justices of the peace has been one outstanding means of providing some training in the interpretation of the law, courtroom procedures, and guidelines to sentencing. The following represent some of the developments that have emerged from the recent J.P. Conference, held in Yellowknife, April 1974: an association for J.P.s, the resolution that decisions of the court of appeals be distributed to all J.P.s for their information, resolutions for the establishment of a full time salaried J.P. in communities where the workload justifies such a move, as well as for the appointment of an experienced J.P. to act in a resource capacity.

Similarly, J.P.s have discussed the possibility of holding regional meetings where they can discuss problems particular to their area, such as the Eastern Arctic or Mackenzie Delta. Another suggestion toward the continuing training of J.P.s, proposed by one administrator, has been to make better use of the expertise of the members of the superior courts while on circuit throughout the communities in the Territories. Hitherto, there has been limited communication between magistrates or judges and local J.P.s. The latter have some misgivings about this idea for, while in favour of the opportunity to consult the members of the superior courts and benefit from their experience and knowledge, they resent what they feel is an attitude of superiority or being "talked down to." As a consequence, one J.P. was more for the idea of a monthly newsletter or workshop organized by the Department of Public Services as a technique for upgrading their legal education.

In conclusion, several qualified observers felt that until the overall system of criminal justice in the Northwest Territories expands to the point where the jurisdiction of J.P.s will be limited to granting bail, issuing summonses, warrants, etc., and the taking of pleas and punishment relegated to the magistrates, the best way to assure the quality of justice presently dispensed at this level, rather than rely on the appeal

system for errors in judgment, is to continue the recent emphasis on the training of J.P.s in the law, courtroom procedures, and sentencing.

We will now proceed to examine the Magistrate's Court. Some of the observations made with respect to the Justice of the Peace Court can be readily applied to the Magistrate's Court as well.

The Magistrate's Court

Until the early 1960's indictable offences committed in Frobisher Bay, falling within the jurisdiction of a magistrate, appeared before either the magistrate from Yellowknife, who accompanied Judge Sissons on his circuit of the Territorial Court to the Eastern Arctic, or a magistrate from the south, generally from Ottawa. Upon his appointment in 1962 as magistrate of the Police Magistrate's Court of the Northwest Territories, Magistrate P.B. Parker and a magistrate from Ottawa alternated their circuit of the Eastern Arctic for the next several years. The latter was phased out when an additional magistrate was assigned to the territorial Magistrate's Court.

During 1972, Magistrate's Court made quarterly visits to Frobisher Bay, or as the workload dictated. The circuit court party, a fully integrated court, comes from Yellowknife, as well as one of the two magistrates, or a Judge acting as a magistrate, and consists of a Crown prosecutor, defence counsel, clerk of the court and court reporter.

Magistrates, in addition to holding the preliminary inquiries of indictable offences to appear before the Judge of the Supreme Court, have jurisdiction in summary conviction offences as well as absolute jurisdiction in minor indictable offences, such as theft, and jurisdiction with the consent of the accused in more serious infractions, such as breaking and entering. These cases appearing before the court mainly comprise property offences, such as theft under $200, breaking and entering, and illegal possession, with crimes against the person concentrated in assault causing bodily harm and common assault.

Though the incidence of liquor offences appears to have stabilized somewhat during late 1973 and 1974, observations by those engaged in socio-legal control have indicated that indictable offences have increased during the last two years, a trend confirmed by a jump in the number of appearances of the Magistrate's Court in Frobisher Bay. Specifically, while the circuits of the Magistrate's Court, prior to 1973, averaged every three or four months, the workload in the community increased so much that in 1973, eight sittings were required, with more having been anticipated for 1974.

Despite this increase and the demand of some residents for the appointment of a full time magistrate for Frobisher Bay, several of those involved in the administration of criminal justice believe that the local J.P.s and the frequent circuits of the Magistrate's Court are presently able to cope with the situation. Though they do not envisage the immediate development of the magistrate system in Frobisher Bay, involving the establishment of a Crown and defence counsel, as well as the appointment of a full time magistrate for the community, several are of the opinion that Inuvik and the surrounding region, already serviced by a full time defence counsel, will see the appointment of a full time magistrate in the near future.

A. The decision-making process

In our subsequent discussion, we will examine the results of all charges arising from offences committed during 1972 that appeared before the superior courts, make some comments regarding confessions and sentencing in Magistrate's Court, and give several examples of typical cases that came before it.

1. Result of charges before the superior courts: 1972

We have combined the total number of charges, arising from offences committed during 1972, that were brought before Magistrate's and Supreme Courts, because only a limited number of 11 charges, too small for an independent analysis came before the latter court. These offences for the most part comprised the more serious crimes against the person, such as assault causing bodily harm, sexual offences, such as rape, and property offences that consisted mainly of breaking and entering.

First we would like to mention that of a total of 72 cases that appeared before Magistrate's Court, arising from offences committed during 1972, table 19, mentioned previously, shows that magistrates A and B were involved in the adjudication of 76.4 percent of the cases, as compared to judges C and D, who, acting as magistrates, presided over the remaining 23.6 percent of the cases.

In an examination of the flow of a total of 83 charges through the superior courts to sentence appeals, Fig. 7 illustrates that 56 charges or 67.5 percent culminated in convictions, followed by an equal division between institutional and non-institutional sentences. Though the number of actual persons is small, the flow of persons from charges to sentence appeal, outlined in Fig. 8, reveals that of a total of 31 persons charged, predominantly Inuit, 29 were convicted. The institutional and non-institutional sentences were almost equally divided, involving 15 and 14 persons respectively.

Regarding the details of proceedings for charges before the superior courts, the findings in Table 23 indicate that of a total of 83 charges, there were 11 preliminary hearings and five instances where mental examinations were requested, the combined total concentrated on crimes against the person and sexual offences. Of the total, 86.7 percent were heard by a magistrate or judge acting in such a capacity with absolute jurisdiction or consent of the accused, 8.4 percent were presided over by a judge alone with 4.8 percent involving judge and jury. The latter two categories comprise the total of 11 charges that fall within the jurisdiction of the Supreme Court. Finally, of a total of 56 charges that resulted in convictions, we were able to ascertain that in almost half the cases, an oral or written pre-sentence report was requested.

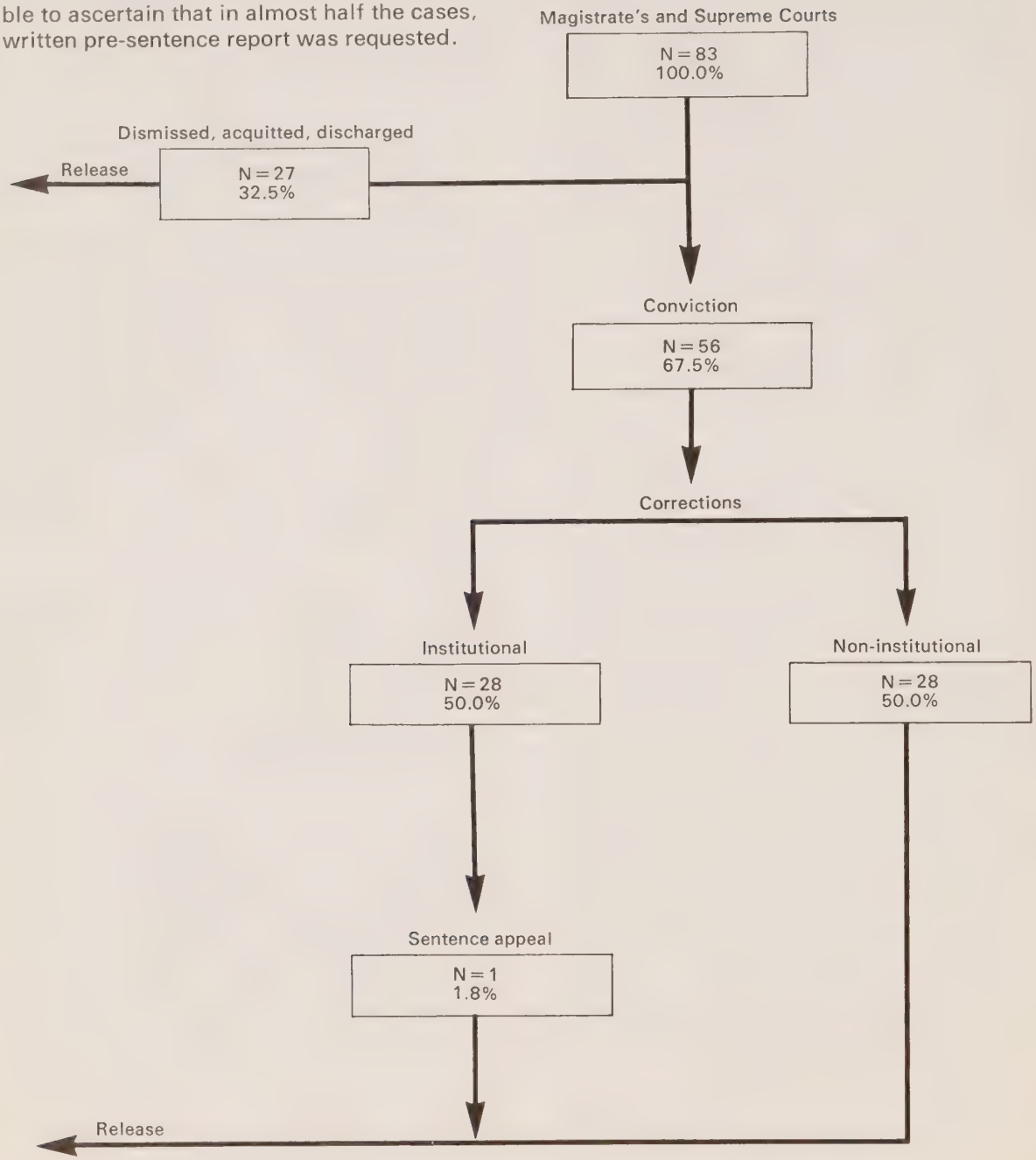


Fig. 7 — The flow of charges for offences committed during 1972, through Magistrate's and Supreme (NWT) Courts to sentence appeals, Frobisher Bay, NWT. Institutional sentences comprise institution and institution plus probation. Non-institutional sentences comprise suspended sentence plus probation, probation plus fine, and fine.

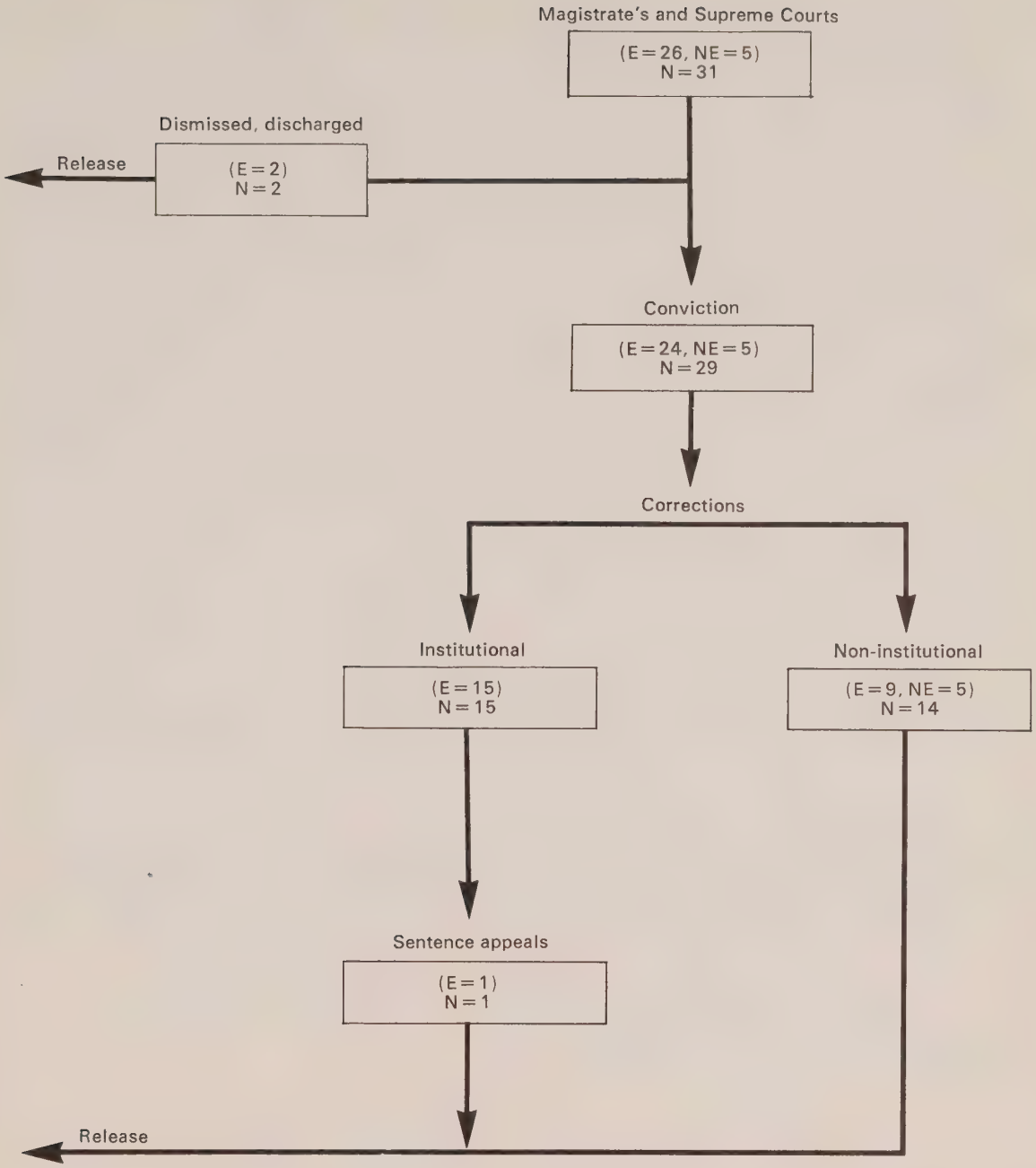


Fig. 8 — The flow of persons charged for offences committed during 1972, through Magistrate's and Supreme (NWT) Courts to sentence appeals, per racial group, Frobisher Bay, NWT. E and NE represent Eskimo and non-Eskimo. Institutional sentences comprise fine plus institution, institution, and institution plus probation. Non-institutional sentences comprise suspended sentence with and without probation, probation plus fine, fine, and recognizance to keep the peace.

Table 23

Distribution of Details of Court Proceedings for Charges Arising from Offences Committed During 1972, Before Magistrate's and Supreme (NWT) Courts, by Offence Type, Frobisher Bay, NWT

Details of court proceedings		Offence type: Against the person and sexual offences	Against property	Motor vehicle and other[1]	Total	Percent of total charges N=83
Preliminary hearing		7	4		11	13.3
Mental examination		5			5	6.0
Heard by:	magistrate, jurisdiction absolute or with consent	24	41	7	72	86.7
	judge	3	4		7	8.4
	judge and jury	4			4	4.8
Pre-sentence report:	yes	14	13		27	percent of total convictions N=56: 48.2
	not known	5	3		8	percent of total convictions N=56: 14.3

[1]Other represents one violation under Criminal Code: failure to comply with probation order.

Table 24

Nature of Plea for Charges Arising from Offences Committed During 1972, Before Magistrate's and Supreme (NWT) Courts, by Offence Type per Racial Group[1], Frobisher Bay, NWT

Offence type	Plea of guilty		Plea of not guilty		No plea entered		Total charges: Eskimo		Non-Eskimo	
	E	NE	E	NE	E	NE	N	%	N	%
Against the person and sexual offences	12	1	13	2	3		28	37.8	3	
Against property	26	1	9		8	1	43	58.1	2	
Motor vehicle and other		1	1	3	2		3	4.1	4	
Grand total	38	3	23	5	13	1	74	100.0	9	100.0

[1]E and NE represent Eskimo and non-Eskimo.

With respect to the nature of the pleas entered before the superior courts, Table 24 shows that of a total of 83 charges, approximately half or 41 culminated in pleas of guilty with the remaining half comprising pleas of not guilty or no plea. The gravity of the charges and the availability of legal counsel for the defence of those charged with indictable offences are the principal factors in a greater number of not guilty or no plea being entered than in the lower court.

Regarding the distribution of the pleas for charges involving Inuit by offence type, we can see that of the total charged for crimes against the person and sexual offences, the proportion of those that pleaded not guilty exceeded those of the total charged with offences against property pleading not guilty. This may evolve from the circumstances of property offences where, occasionally, two counts may result from one incident, and, if the accused pleads guilty to one count, generally the more serious one, the Crown may withdraw the second charge. This is partially confirmed by the findings in Table 24, which though limited, illustrate that in eight incidents involving property offences, no pleas were entered, generally the result of the charge being withdrawn by the Crown. Regarding whites, the number of charges involving non-Inuit is too limited for the purposes of analysis.

With respect to a total of 83 charges arising from offences committed during 1972, which appeared before the superior courts, Table 25, as well as Fig. 7 reveal that 56 or 67.5 percent culminated in convictions with 27 or 32.5 percent dismissed, acquitted or discharged. The higher rate of dismissals, acquittals or discharges in the superior than in the lower courts has been attributed to the availability of legal counsel and the nature of indictable offences that put the onus on the prosecution to prove its case, often requiring that it establish intent or state of mind, that is, *mens rea,* in connection with the offence. As we have seen previously, in a summary conviction court, aside from the absence of legal counsel, the majority of minor statutory offences are punishable irrespective of the existence of *mens rea.* Of the total of 56 convictions, only seven charged, mainly pertaining to offences against the person, were found guilty of a lesser offence, with the majority convicted on the original charge.

Although the number of cases is limited, our findings indicate that of the total charged with offences against property the proportion of dismissals, acquittals or discharges was higher than in the case of those charged with crimes against the person and sexual offences. We suspect that the explanation for this is the same as that given in the previous example where more than one charge may evolve from a property incident; during the judicial proceedings, the evidence may not be sufficient or the Crown may not present any evidence on the second charge if a plea of guilty has been entered on the first count.

Regarding the distribution of charges by type of offence per racial group, appearing before the superior courts, the limited number of nine charges involving non-Inuit, mainly in motor vehicle offences, is not sufficient for purposes of comparison with Inuit. However, with respect to the distribution of charges by offence type committed by Inuit, the majority of offences were crimes against property, particularly theft under $200, followed by those against the person, predominantly assault causing bodily harm, and an insignificant number of motor vehicle violations.

However, we would like to refer briefly here to the findings of Table II pertaining to the distribution of alcohol as a factor in offences for the total number of convictions by the superior courts per racial group. Whereas the number of convictions involving non-Inuit is too small for analysis, in convictions concerning Inuit, alcohol was a factor in the offence for 86.3 percent of the total, particularly where the accused was intoxicated at the time of the offence and to a lesser extent, in search of liquor and/or goods to exchange for alcohol, the principal motive in property offences.

In our previous findings we ascertained that of a total of 56 convictions by the superior courts, there was an equal division of 28 non-institutional and 28 institutional sentences. Furthermore, Table 26 indicates that fines alone, followed by suspended sentence with probation, and probation with a fine, were the principal measures utilized in non-institutional sentences; those receiving institutional sentences were either incarcerated or sentenced to an institution, combined with a term on probation.

Regarding the distribution of sentences by offence type for Inuit, the table shows that the proportion of total convictions for property offences receiving non-institutional sentences exceeds the proportion of the total of those convicted of crimes against the person and sexual offences. The number of convictions involving non-Inuit offenders, all culminating in non-institutional sentences, is too small for comparison. Our findings for offences committed during 1972 revealed that the majority of those appearing before the superior courts on charges of crimes against the person and sexual offences were incarcerated.

2. Considerations regarding confessions and sentencing

As mentioned elsewhere in our study, the policy within Magistrate's Court has been to carefully scrutinize any confessions presented as evidence before the court by indigenous persons. It must be clear that the confession was given voluntarily as well as that the wording of the confession, occasionally translated by the police, corresponds to the original version in *Inuktitut.* Regarding the latter point, one magistrate has informed us that it could be argued that any statement or confession originally given in *Inuktitut* should remain as such to ensure greater accuracy in its presentation as evidence before the court.

Table 25

Result of Charges Arising from Offences Committed During 1972, Before Magistrate's and Supreme (NWT) Courts, by Offence Type per Racial Group[1], Frobisher Bay, NWT

Offence type	Convictions																			
	Dismissed, acquitted, found guilty but given absolute discharge		Original charge		Charge reduced to lesser offences															
					Against the person						Against property									
					Manslaughter		Assault causing bodily harm		Common assault		Having in possession		Trespassing at night		Total convictions				Total charges			
															E		NE		E		NE	
	E	NE	E	NE	E	NE	E	NE	E	NE	E	NE	E	NE	N	%	N	%	N	%	N	%
Against the person and sexual offences	6	1	18	1	1		1		2	1					22	43.1	2		28	37.8	3	
Against property	14	1	27	1							1		1		29	56.9	1		43	58.1	2	
Motor vehicle and other	3	2		2													2		3	4.1	4	
Grand total	23	4	45	4	1		1		2	1	1		1		51	100.0	5	100.0	74	100.0	9	100.0

[1]E and NE represent Eskimo and non-Eskimo.

Table 26

Conviction of Offences Committed During 1972, Before Magistrate's and Supreme (NWT) Courts, by Offence Type per Racial Group[1], Frobisher Bay, NWT

Offence type	Sentence														Total convictions	
	Non-institutional								Institutional							
	Suspended sentence + probation		Probation + fine		Fine		Racial group sub-total		Institution		Institution + probation		Racial group sub-total			
	E	NE	E	NE	E	NE	E	NE	E	NE	E	NE	E	NE	N	%
Against the person and sexual offences	3		1	1	3	1	7	2	9		6		15		24	42.8
Against property	6		4		6	1	16	1	12		1		13		30	53.6
Motor vehicle						2		2							2	3.6
Grand total	9		5	1	9	4	23	5	21		7		28		56	100.0

[1]E and NE represent Eskimo and non-Eskimo.

The problem concerning confessions is that the majority of Inuit do not realize that they will be used against them in court. Despite the fact that they are forewarned, frequently a source of confusion in itself, many still do not seem to appreciate the significance or consequences of their signature on a confession.

While it has been the policy of the police to present whatever evidence is available, including confessions, according to the estimate of one experience counsel, only about three out of ten confessions are admitted as evidence. Furthermore, it was his opinion, corroborated by our own and others' observations, that the courts and Crown are generally sympathetic toward the accused and despite the admissibility of confessions, they would rather that the police have other evidence.

For the two magistrates, the determining factor in arriving at a decision, and this also applied in the lower court, has been the previous record of the accused. In their approach to sentencing, both magistrates believe in fines for first offenders involved in minor incidents, with probation for first offenders convicted of a more serious charge. The general policy of one magistrate has been to commence with a suspended sentence, with a short term incarceration on a subsequent appearance, "and gradually work up to the point, if the accused becomes progressively involved in serious acts of violence," where he may "have no alternative but to send him to a penitentiary." However, both believe that the purpose of sentencing, particularly the value of the threat of sentence, would be defeated if a maximum or severe sentence was dispensed at the outset.

The magistrates also believe that they should be consistent in sentencing because "an accused is more ready to accept a sentence if you follow a regular pattern." Finally, they cite the element of retribution and the protection of society as considerations in arriving at an appropriate sentence.

One qualified observer felt that, in sentencing, the Magistrate's Court could be more imaginative in its probation orders, where under section 663(h) of the Criminal Code, it is empowered to consider any other reasonable conditions to ensure the good conduct of the accused. Accordingly, he believed that greater use could be made of community resources in terms of available manpower ideally suited to function in the capacity of probation officer. For example, in consultation with the probation officer, a person with whom the accused has already established some rapport could be chosen to fill this role.

3. Illustrations

We will now cite three cases which reflect the types of offence that come before the Magistrate's Court. The first deals with breaking and entering, the second, with wilful damage, and the third, with an assault causing bodily harm.

Case 1. The accused, an Inuit male, aged 24, was before the court on two charges. The first was for theft of a pair of boots from a local store; the second for breaking and entering. The latter incident involved the theft of a watch and lighter, valued at $25, from a private dwelling. The accused was represented by counsel and elected to be tried by a magistrate, before whom he entered a plea of guilty. The accused had broken into a house in an attempt to get some liquor. During the proceedings, the Crown presented the man's record which dated back several years. It included several convictions for theft, breaking and entering, and illegal possession of stolen property. Dispositions ranged from a fine to an 18 month sentence to an institution. The defence stated that on the night of the offence, the accused had been intoxicated and that the articles removed were not the object of his entry. The probation service stated that the offences committed by the accused were liquor orientated and suggested a medical examination to ascertain if any damage had been incurred as a result of his prolonged use of alcohol. A pre-sentence report at the request of the magistrate was submitted by the probation service. In his decision on the case, the magistrate felt he had no choice but to give a sentence of imprisonment. He based this on the seriousness of the offence, yet considered the fact that the accused was intoxicated at the time of the infraction. The magistrate remarked that if the sentence had been based on deterrence he would have sent the accused to the penitentiary. However, he regarded this offence more as a public nuisance to the community and therefore sentenced him to an eight-month term in the Yellowknife Correctional Centre.

Regarding the charge of theft from a local store, there were two counts. The first was for theft of footwear, to which the accused pleaded not guilty. The second count was for the unlawful possession of the footwear, to which the accused did plead guilty. The Crown dropped the first count in view of the guilty plea. The evidence revealed that the police had found the accused's old shoes in the store and later on, the accused was found in possession of the new shoes that had been taken from the store in question. The Crown felt that since there was an increase in this type of offence within the community, this should be taken into consideration in rendering a sentence, as well as the fact that the offence was committed while the accused was out on bail. He therefore asked for a sentence of imprisonment. The defence asked that the court bear in mind that the footwear was returned, as well as the fact that the accused had been drinking. The magistrate, while commenting that he was being lenient, then sentenced the accused to a one-month term in prison, consecutive with any other sentence.

Case 2. This involved an Inuit male, aged 22, who subsequently pleaded guilty to two counts of wilful damage. The circumstances surrounding the offence revealed that the accused had broken a lock at a local service station on two separate occasions. The Crown in its presentation cited the record of the accused with sentences for several previous convictions during the last two years, on counts of breaking and entering as well as theft committed in Frobisher Bay and his home community. On behalf of the accused, the defence referred to his background, focusing on his sporadic work record and present unemployment as some of the difficulties of adjustment he had experienced since his arrival in Frobisher Bay. Upon conclusion of the presentations by both Crown and defence counsels, the magistrate, on the basis of the absence of any justification for the act and the accused's previous record of property offences, sentenced the accused to 30 days on each count, to run consecutively.

Case 3. The accused, an Inuit male, aged 23, was charged on two counts of assault causing bodily harm, one of which was reduced to common assault. The accused, who was represented by counsel, pleaded guilty to the charges. A pre-sentence report was requested in which the following circumstances regarding the offences were noted. Apparently the accused had had an argument with his parents which culminated in an assault on his mother. She was admitted to hospital where it was found that no permanent damage had been incurred. The man, who was intoxicated at the time of the offence, also assaulted his father. His record noted a conviction three years previously for a similar assault causing bodily harm to both parents, which resulted in a nine-month suspended sentence. At that time, the accused had also been inebriated. The defence stated that alcohol abuse was a problem in the family, with the step-father frequently initiating situations causing tension which would ultimately culminate in assault. At the time of the offence, the mother herself had been intoxicated and had provoked the assault by hitting the accused with a broom. The defence rested its case with the statement that the accused's steady employment and the fact that he had moved from the house reduced the likelihood of a repetition of such incidents. In his decision, the magistrate took into consideration the fact that the accused was having emotional difficulties which, compounded by the misuse of alcohol, had precipitated the assault. He gave the accused a suspended sentence of 18 months, and placed him on probation for that time with the following conditions: to keep the peace, appear before the court when required, to submit to the supervision of the probation service, to abstain from the excessive use of alcohol, to seek the assistance of the probation service for medical advice and treatment for his alcohol problem, to maintain suitable employment, to report any change of address or employment immediately, to remain in the N.W.T. unless permission be granted to leave, and to live separate and apart from his parents as well as not to associate with them when alcohol was in use or on the premises.

B. Alternative to the Magistrate's Court circuit

One counsel has suggested that the time has come to consider an alternative to the Magistrate's Court circuit. While in the past the court served to re-enforce Canada's sovereignty in the North, he did not feel that the present circumstances warranted continuing this approach.

Specifically, as an alternative, he suggested that judicial centres be established throughout the North which would be more efficient, economical, and perhaps afford more continuity in sentencing. For example, Baffin Island could be divided into two judicial centres, one based in the south, in Frobisher Bay, and the other in the north, in Pond Inlet, each having jurisdiction over four or five communities. Accordingly, the police could transport all cases — except for the more serious offences, such as murder, where the accused should be tried by his peers — to one of these judicial centres just prior to the arrival of the Magistrate's Court circuit from Yellowknife. In his opinion, this would be a more profitable use of the circuit court party's time which is currently "spent mostly in the air."

The Supreme Court

In our discussion of the Supreme Court of the Northwest Territories, formerly known as the Territorial Court, we will present a brief overview of the court and a note pertaining to confessions and sentencing, followed by a case illustration.

A. An overview

It was not until July 29, 1957, that Judge Sissons, the first judge of the newly created Territorial Court, was able to take his court on circuit to the Eastern Arctic and Frobisher Bay. In his book, Sissons (1968) stated that he met great resistance from both the Department of Justice and to a lesser extent, the R.C.M.P., who resented his intrusion into the Eastern Arctic, an area they regarded as falling within the jurisdiction of Ottawa. Furthermore, Sissons was informed by the Commanding Officer of "G" Division that his intervention was not required because "the Mounted Police had been the law for many years in the eastern Arctic and handled matters by giving Eskimo offenders a kick in the pants and having white offenders moved out of the country" (p. 76).

However, Sissons persisted and gradually established the Court's jurisdiction in the Eastern Arctic as well as throughout the North. Though matters coming before the Territorial Court during the late 1950's were rather limited, Sissons used every occasion to explain the role of the court in the administration of justice. Interestingly, Sissons discovered numerous instances in the Eastern Arctic where charges were laid but never tried, either because the courts never arrived or the matter was forgotten, or the police refrained entirely from laying a charge because they were not overly optimistic that the incident would ever appear before the court. Perhaps it is for this reason that some members of the Force took the initiative and dealt with offenders in the manner quoted above.

Since the retirement of Judge Sissons in the middle 1960's, it is the opinion of several observers that his successor, W. G. Morrow, has carried on the principles of his predecessor. According to one magistrate, "Judge Morrow has carried on in the tradition of his (Sissons) thinking, attitude and basic sympathy for the native people."

Regarding the future of the Supreme Court, one qualified observer felt that in time it will probably be expanded from one to three judges. At present, the responsibilities and volume of work that are incumbent on one man, to say nothing of the frustrations involved, seem rather excessive, for a judge of the Supreme Court has unlimited jurisdiction to try criminal and civil cases, sitting with or without a six-member jury, and also hears appeals for summary convictions.

With respect to charges arising from offences committed during 1972 in Frobisher Bay, upon the termination of the preliminary inquiries in Magistrate's Court, a total of 11 charges fell within the jurisdiction of the Supreme Court. Of these seven were adjudicated by a judge alone and four by a judge and jury. The judge of the Supreme Court of the Northwest Territories presided over nine of these indictable offences, comprising the more serious crimes against the person and sexual offences, such as one non-capital murder, several charges for assault causing bodily harm and one rape, and a number of property offences such as breaking and entering; his counterpart in the Yukon heard the remaining two cases.

B. A note on confessions, sentencing and case illustration

Generally, it appears that, like the magistrates, the judge of the Supreme Court tends to be skeptical of confessions presented as evidence before his court by indigenous persons. The judge attributes this partially to the reasons mentioned elsewhere concerning confessions, but also to the fact that Inuit occasionally make admissions of guilt because they are overwhelmed by authority and sometimes out of a "desire to please."

Aside from their fear of the police, many Inuit appear to be awed by the power of the judge, known by some as *Ikatoiiyee,* "a person who recalls in the present an act that happened in the past." For example, we will cite the following incident to illustrate one Inuk's perception of the judge. Having been convicted by the judge and sentenced to the Yellowknife Correctional Centre, the Inuk was heard to say he had a new God. Asked to explain what he meant, he stated that he believed he was innocent and had prayed to God that he would be spared from a jail sentence. "However, if God couldn't stop my going to jail, the judge must be more powerful than God."

In addition to some of the previously mentioned factors that enter into the decision-making of the Supreme Court and those to be discussed elsewhere in a separate section on sentencing, we would like to note that, generally, the judge does not believe that jail sentences have much deterrent or rehabilitative effect, and for first offenders, he tends to opt for suspended sentence with or without probation. In his opinion, a more severe sentence can be given on a subsequent occasion should it occur. Prior to the time the Government of the Northwest Territories entered into an agreement whereby northerners sentenced to penitentiary terms, subject to approval, may serve their sentence at the Yellowknife Correctional Centre, the judge and magistrates would give a sentence of two years in an institution combined with a probation order for another two years. This would avoid sentencing an indigenous offender to prison in the south and keep him in the northern milieu as well as under some supervision for a total of four years.

Our case illustration involves an Inuit male, aged 36, with no previous criminal record, who was tried by a judge and jury on a charge of the non-capital murder of his wife. Since the accused required an interpreter, one was appointed for the defence as well as the Crown to ensure the quality of the translation. The circumstances surrounding the offence, to which the accused, represented by counsel, pleaded not guilty, indicated that both the accused and victim had been drinking, subsequent to which they had become embroiled in an argument; this escalated to a physical struggle over a knife. According to the accused, now in a severe state of depression and remorse over the death of his wife, he had taken the knife away from his wife, who had been trying to wound him, and somehow, during the ensuing struggle, stabbed her in the neck. Expert testimony presented at the trial focused on the level of alcohol in the blood of the accused at the time of the offence and the corresponding impairment of his ability to understand and recall his actions. The main arguments raised by the defence counsel were the fact that the accused, provoked by his wife who was also intoxicated, reacted in self-defence resulting in his wife's death. Furthermore, defence counsel stressed that the charge should be reduced to manslaughter since the actions of his client showed no intent to commit murder or effort to conceal the incident. The accused did not want to kill his wife who had made previous attempts to stab him, but had reacted in self-defence while his judgment was impaired. However, the Crown prosecutor argued that drunkenness was not a complete defence and that a plea of self-defence ceased to be valid the moment the accused succeeded in taking the knife away. In conclusion, the Crown did not agree that there was sufficient evidence to justify a defence on the grounds of provocation and demanded a life sentence. Upon hearing the decision of the jury which found the accused not guilty of non-capital murder but guilty of manslaughter, the judge, taking into consideration the protection of the public

as well as the physical and social rehabilitation of the accused, sentenced him to three years imprisonment in the Yellowknife Correctional Centre.

The Crown attorney
The Crown attorney or one of his deputies, both under the jurisdiction and direction of the Department of Justice in Ottawa, are an integral part of the court party of the Magistrate's and Supreme Court's circuits.

One source of conflict in the quasi-judicial function of the Crown attorney is the effort to reconcile his responsibility to the police, on the one hand, and to the public, on the other. While he must co-ordinate police evidence and present it to the court, involving a pre-judgment of the evidence and decision whether to proceed, in his public function, he is expected to be impartial in its presentation to the court. We found that criticism on this point went from one extreme to the other. The Crown was regarded as either too sympathetic toward the police, or not enough, with others charging that "the police think the Crown is solely at their disposal."

A. Proceeding on summary conviction
During our research, several qualified observers were of the opinion that while the Crown has instructed the police to proceed on summary conviction where the option exists or where a reduction in the gravity of the charge would save some of the costs of the expensive circuits, they believed that some members of the Force have "abused" or "misconstrued" the Crown's direction in order to get a heavier sentence from the lower court. For example, a charge of assault causing bodily harm, an indictable offence, may be reduced to common assault, punishable on summary conviction.

We have informally substantiated that, while it is not the official policy to proceed on summary conviction to obtain a more severe sentence in the lower court, several members shared the opinion of one officer, who remarked that "the J. P. is a local resident and reflects more readily the community's particular outlook on an offence." Several persons engaged in socio-legal control felt that differing views as to the gravity of the offence, as well as the superior circuit court's remoteness from the actual events and opinion in the community, are factors contributing to some leniency in sentencing.

For the police, these occasional reductions of the charge or proceeding by summary conviction may have several advantages. It may clear the case quickly instead of having to await the arrival of the Magistrate's Court circuit, and avoids the problems of getting witnesses, experts, etc.

The position of the Crown attorney in this matter has been that the rationale for proceeding on summary conviction or a lesser charge is based on practicality rather than manipulation by the police to obtain a more harsh sentence in the lower court. The policy of his office has been to proceed with a lower charge if the circumstances of the offence warrant a lesser sentence, while serious incidents will proceed by indictment.

For example, in the case of charges of breaking and entering and theft that evolve from one incident, he may not proceed with the charge of breaking and entering, either because of insufficient evidence, whereupon he will take a guilty plea on the count of theft, or because the penalties for the original charge, as dictated by the Criminal Code, are too severe in view of the circumstances under which the offence was committed.

B. Thoughts on the creation of a Department of Justice for the Northwest Territories
The consensus of opinion among persons presently involved in the administration of justice is that the creation of a Department of Justice for the Northwest Territories constitutionally requires that the Territories first achieve provincial status, with prosecution the last function to be relinquished to the Territories, or depends on when "the Federal Government thinks the Northwest Territories is mature enough to handle the full administration of justice."

While the difficulties in the recent transference of the administration of the courts from federal to territorial jurisdiction appear to have been rectified, one counsel felt that for the present it was still necessary that Ottawa retain the attorney general's position because under the Government of the Northwest Territories, "the decision for prosecution would be too susceptible to local influence."

Legal counsel
Though a defence counsel was available prior to the establishment of the Territorial Legal Aid Program in 1971, as we have seen earlier, the services of a defence lawyer were not provided universally and were dependent on *ad hoc* appointment by officials from the Department of Justice, the judge or magistrates after consideration of the seriousness of the offence and the situation of the accused. Our subsequent discussion will focus on the defence counsel as a member of the circuit court party and his role in the defence of indigenous, and particularly Inuit, accused.

A. A member of the circuit court party
Aside from their private practice, defence counsels are selected by the Legal Aid Committee from the several law firms centered in Yellowknife, with assignments to court duty, including circuits of the Magistrate's and Supreme Courts, rotated among them on a weekly basis.

Before commencing our discussion of the role of the counsel, we would like to make several comments regarding the limited time available to him to prepare a proper defence for his clients under a system of justice dispensed by the superior circuit courts to the various communities. The time available for the court party in any one community is frequently governed by weather conditions or the number of other cases scheduled for appearance in other settlements. They must complete the circuit, generally of not more than one week's duration, before they return to Yellowknife.

As a result, several persons in Frobisher Bay and elsewhere in the Territories have commented on the lack of time available for the defence counsel to ensure that the accused have his day in court. During one circuit of the Magistrate's Court in 1972, we made several observations that confirm some of the often cited weaknesses in the system of northern justice.

At the opening session of the court which we attended, the accused was undecided about what plea to enter and whether or not to retain counsel. It appeared that not much time had been spent prior to the trial for an adequate preparation of a defence. During the adjournments between arraignments, there was a massive scramble around the defence counsel who was trying to secure the required information from his clients for their defence. The task was so involved that he was forced to set up appointments during the evenings at his hotel to discuss the cases with them. The court party nonetheless felt that there had been sufficient time to prepare the cases prior to the circuit in view of the cooperation that existed between the defence counsel and the Crown prosecutor. However, according to one member of the bench, "the problem arises because some lawyers don't look at the cases until the court is in progress."

As an alternative to the present structure, at least until the community is serviced by a full time legal counsel, some critics have stated that it would be beneficial for a legal counsel to visit the community a couple of days a month to make his services available and start preparations for the defence of those charged, or arrive sufficiently in advance of the court party to do so. Another shortcoming of the present system has been the lack of appropriate legal resources within the community for consultation by the legal counsel as well as by the magistrate. For example, one case was delayed for several days until the required material was mailed to the magistrate.

B. The role of the defence counsel

One of the most important steps in any counsel's preparation for the defence of his client is to obtain the facts surrounding the offence, such as police statements, etc., to ascertain whether the initial charge laid is appropriate or whether the accused has good grounds to enter a plea of guilty to a lesser charge. Some plea bargaining exists, with most observers feeling that it is to the advantage of the accused. According to one counsel, the Crown attorney is generally cooperative and agrees to a reduction in the charge, "hoping to get a guilty plea and avoid the cost of a trial."

Several lawyers shared the view that many Inuit plead guilty because they feel "bad" about having committed the offence. This has also contributed to numerous instances where the accused will plead guilty to whatever charge was originally laid by the police. Furthermore, though counsel may have determined that the accused had reasonable grounds for a defence, many Inuit, as has been the case with other indigenous groups, still opted for a guilty plea.

In order to determine the appropriate plea and defence, counsel must probe into the details of the offence and the possible existence of any extenuating circumstances. In this regard, one counsel's approach was to explain to the accused that the law states that he may have a defence even though he may have in fact committed a certain act. To ascertain the guilt of an Inuit accused and his understanding of the concept, another counsel proceeds to ask a series of questions through which he is eventually able to determine the facts and what was in the person's mind when he committed the infraction.

For example, in the case cited earlier, involving an Inuit male charged with non-capital murder, counsel, through a process of elimination asked the question, "did you intend to kill your wife?", followed by "if you hit her, could it have been by accident?", and so on. Gradually, he was able to establish what plea should be entered and ensure the accused's comprehension of the concept of guilt.

While counsel generally control the pleas entered by their clients, several experienced lawyers believed that this was even more the case when dealing with indigenous persons.

During our attendance at the proceedings of several circuits of the superior courts, we observed the frequent use of drunkenness as partial grounds for a defence or argument for a reduction of the charge or leniency in sentencing. Several of the sample cases, illustrated earlier, confirmed this point. Pursuing this matter, one counsel informed us that while the argument may not change matters in the south, the superior courts recognize the greater vulnerability of indigenous people to alcohol abuse and its criminogenic consequences than whites. As a result, he felt that "it would be foolish for counsel not to push the theme."

Though drunkenness or intoxication at the time of the offence may not be complete defence, it is often considered as a mitigating circumstance in cases where the accused was so impaired that he was incapacitated and not responsible for his actions. As we have seen, such situations can reduce the charge from murder to manslaughter, or intent to wound to assault causing

bodily harm. In several instances, defence counsels in their requests for leniency would argue that since alcohol was imported into the aboriginal culture, Inuit and Indians should not have to bear the full responsibility for its destructiveness and criminogenic consequences.

Magistrates and judges have admitted that this argument is a factor that enters into their decision-making. According to one member sitting on the bench of one of the superior courts, "this argument creeps unconsciously into the sentencing process . . . it is the human factor, one of compassion."

Legal Aid

In our description of the system of legal aid, we will present an overview of its program and discuss the role of the legal aid field representative in Frobisher Bay and the community's impressions of this role.

A. An overview

The purpose of the Territorial Legal Aid Program, implemented in August 17, 1971, is to provide legal counsel and services in criminal and civil matters to those financially unable to retain such services. Significantly, at present the scheme does not provide for any legal counsel in matters appearing before the lower or Justice of the Peace Court, leaving the accused to rely on his own resources.

However, while only Yellowknife and Inuvik are serviced by resident legal counsel, many settlements have volunteer legal aid field representatives, selected by the Legal Aid Committee in Yellowknife, to inform the community of the availability of these services as well as the criteria for eligibility under the plan, and to process the applications of persons who qualify for legal aid.

While we have focused earlier on some of the shortcomings of the scheme and will return to this subject in the following section as it applies to the legal aid field representative, we would like to comment on its value and effectiveness.

During our inquiry, we ascertained that the consensus of opinion of those involved in socio-legal control indicated a general satisfaction with the present functioning of the program and its role in the administration of justice in the Northwest Territories. Members sitting on the bench of the superior courts have stated that they find it reassuring to know that they can rely on the availability of legal counsel. Furthermore, the court benefits by being able to dispense with matters more quickly, since counsel is ready at a moment's notice to represent a client, conduct an interview, and assess the type of offence and circumstances toward the preparation of his defence. Interestingly, despite some fears to the contrary, one observer noted that "the advent of legal aid has not marked any great increase in unnecessary proceedings or counsel overdoing appearances."

In conclusion, despite the limitations of this recently created scheme for legal aid, the availability of legal counsel has enhanced the quality of justice for the accused appearing before the superior courts.

B. The role of the legal aid field representative

During the fall of 1971, two persons, one white and one Inuk, were selected from Frobisher Bay to function as legal aid field representatives for that community. While neither had any legal background, their concern and enthusiasm for the task on a voluntary basis had resulted in their appointment. However, the Inuit representative, who apparently never showed any real interest in the task or attended the regular sessions of the Justice of the Peace Court, subsequently resigned. While the Legal Aid Committee encourages the appointment of Inuit to such positions, hitherto, none have volunteered for the job. This has been attributed in part to the same factors responsible for the dearth of Inuit personnel in either the police or the judicial systems: the reluctance of Inuit to become involved in the intervention in, or disposition of, situations where their people have transgressed the white legal norms, to interfere in the actions of another or to "be used" to control the behaviour of other Inuit.

Upon his relocation to the south, the first representative, a member of the clergy, was replaced in November 1973 by another minister who retained the post until his resignation in the fall of 1974. Recently the wife of one of the local physicians was appointed to this task.

In principle, the legal aid field representative is an adviser and friend offering to assist those in need of legal counsel. He screens applications for legal aid on behalf of the Committee in Yellowknife, and though he has no legal training other than being issued with a copy of the Criminal Code, federal statutes and territorial ordinances, as a concerned citizen, he attends the weekly sessions of the local Justice of the Peace Court. This function has received criticism from several sources, including the Territorial Bar Association, because it is feared that the representative may try to go beyond the bounds of his limited or para-legal capabilities. According to one member of the Legal Aid Committee, the quality of legal aid in any community greatly depends on the representative and his approach to the job. In particular, he stressed that "they are not lawyers or supposed to act as such." As we will see, this point has been a source of confusion and misunderstanding.

In addition to taking the formal applications of those qualifying for legal assistance, the Frobisher representative contacts persons about to appear in court and explains the charge and proceedings. He may also be called in by the R.C.M.P. to assist an accused regarding his legal rights. This usually occurs when a person has been apprehended for the commission of a serious offence, likely to appear before one of the superior courts. The legal aid field representative interviews the accused and sends the appropriate

information to the legal aid office in Yellowknife. A lawyer may be sent immediately from Yellowknife if a serious offence is involved, or when the situation is such that the question of bail has become an issue, or if the representative feels that a lawyer should be available prior to the arrival of the members of the circuit Magistrate's or Supreme Courts.

The legal aid field representative attends the weekly sessions of the Justice of the Peace Court of his own volition. The need for some type of legal assistance at this level of the judiciary appears clear. Many Inuit have no idea as to what is involved in their appearance before the court. An accused may know that what he has done is wrong, but when the charge is read out in court, the legal jargon often escapes or confounds him. He is frequently confused as to what constitutes an indictable or summary conviction offence, for example. The representative attempts to explain the charge to the accused, the type of punishment possible, and the available options. However, he does not advise as to the plea that should be entered.

The legal aid field representative functions in a "watch-dog" capacity on behalf of the accused. An illustration of this type of intervention can be seen in the following example. At one session, there were three cases of supplying liquor to a minor. The first person received a $100 fine or one month in jail; the second was given a similar sentence, whereas the third, who was making his first court appearance on this type of charge, was given a three month jail term without the option of a fine. The representative felt this was unjust and notified his department in Yellowknife, which launched an appeal. He was successful in the matter, and the sentence was reduced to a $75 fine.

It was evident that for those Inuit who appeared before the courts the notion of a guilty mind, or the concept of *mens rea,* was generally beyond their comprehension. The following incident, related by the legal aid field officer, illustrates such a case coming before J.P. Court where his timely presence was of help to the accused.

An Inuit male had been charged with an offence and decided to consult the legal aid field representative as to how he should plead. The officer explained the guilt factor and its relevance in the accused's own case. The example he used was that of an individual who was out hunting and a polar bear proceeded to attack, forcing the person to kill it, even though it was out of season. He explained that the individual would be guilty of killing the bear out of season, but there was no intent to violate the game ordinance. Having heard and understood the officer's illustration, the accused pleaded not guilty and subsequently won his case. Apparently his situation, from the point of view of the concept of a guilty mind, was similar in that it was true that the offence had taken place, but there were extenuating circumstances with no evidence of *mens rea* or the intention by the accused to violate the law.

However, by his own admission, other than those requiring some legal assistance in explaining the charge, the plea options, etc., referred by the J.P. during the regular sessions of the lower court, few Inuit or white approach the representative of their own accord. He attributes this to their lack of understanding of his role. We will now focus on some of the criticisms and impressions of the community concerning his function.

Inuit, who are beginning to have a basic understanding of the function of lawyers, regard the legal aid field representative as a "lower class lawyer" or "second hand person" and according to one Inuk, "since they know he is not as experienced as a lawyer, they are not making good use of him." As we have seen, the principal function of the representative has been to screen applications on behalf of the Legal Aid Committee in Yellowknife and subsequent to its approval, act as a liaison between the client and the Committee or its appointed counsel. On his own initiative, he attends the Justice of the Peace Court offering to explain the charge, proceedings, plea options, etc., to those who request it, though he does not advise as to what plea should be entered. However, his role is criticized by some who doubt whether, in view of his lack of training in law, police and court procedures, he is qualified enough to extend any para-legal assistance, and others who feel short-changed because he does not give counsel regarding what plea to enter or speak in their defence during the proceedings.

The majority of people, both Inuit and white, fail to understand that the role of the representative was not intended to be that of a court worker dispensing para-legal assistance in the absence of legal counsel. Without any legal background and only his concern as a citizen to see that justice is done, the representative cannot be expected to prepare a proper defence for an accused pleading not guilty before the Justice of the Peace Court. While he may object to a particular point in the proceedings, he knows first of all, that he is not supposed to practise law, and secondly, lacking training and experience, he has not the confidence to intervene, since he is unsure whether his actions will hinder the administration of justice or the rights of the accused. Furthermore, the impact of his intervention on behalf of the accused would be nullified by the fact that he had to rely on the police and judicial officers for a clarification of points in law, police or court procedures.

In conclusion, if the Legal Aid Committee continues to permit its representatives to function in a para-legal or court worker capacity, proposals have been made towards improving their qualifications. It has been suggested that in addition to receiving more direction from Yellowknife, the representatives should be

paid, bilingual, and preferably Inuit, and that the Committee should undertake their legal training through workshops in law, police and court procedures. However, perhaps the plan of the Inuit Tapirisat of Canada for a community legal service centre in Frobisher Bay, to be discussed elsewhere, will fill this void in legal counsel, and thus enable the legal aid field representative to perform his intended task.

Interpreters in court work

In describing the important role that interpreters play in the administration of criminal justice, we will focus on the services rendered at all levels of the judiciary.

Prior to the creation of the Interpreter Corps, the initial group comprising nine members whose training included a familiarization with law and its terminology, as well as police and court procedures, the R.C.M.P. in Frobisher Bay, as elsewhere in the Northwest Territories, relied extensively on the interpreting ability of their special constables concerning police matters, and on freelance interpreters on call in the community for duty at either the Justice of the Peace Court or circuits of the superior courts. However, since December 1973, upon the completion of their training, two Inuit members of the corps have been posted in Frobisher Bay to assist the R.C.M.P. in emergency cases, and act as interpreters for the local and circuit courts, aside from the services they provide to other government agencies in the community and within the region. According to several observers, the availability of professionally trained interpreters for police and court duty has greatly enhanced the impartial administration of justice in the eyes of indigenous persons.

Generally, for court duty, only one interpreter is assigned, though in cases appearing before the Supreme Court, the judge, as an added precaution, likes to appoint one for the defence as well as one for the Crown. This or some similar plan might be the solution to a problem that presently exists in the Justice of the Peace Court. Specifically, while an accused may benefit from the services of an interpreter during the proceedings, if he has requested time to consult with the legal aid field representative, the interpreter is not present during the consultation since he must remain available for other cases appearing during the interim. In consequence, any discussion with the representative, without the presence of an interpreter, appears rather meaningless.

Another point that we observed, particularly in the proceedings of the superior courts, was that while the interpreter would translate the specific questions directed at the accused by both attorneys and the former's replies, a major portion of the facts and testimony presented by the Crown and witnesses was not interpreted to the accused, placing him at a distinct disadvantage since he could not understand the full nature of the proceedings.

Those requiring interpreters are generally the older generation and perhaps those from other settlements having limited contact with whites. However, occasionally, young as well as older persons, though they may be reasonably fluent in English, may still accept the court's offer of an interpreter. One observer has suggested that this may be due to their feeling more comfortable in their own language as well as preferring any unpleasant or unfavourable testimony to be given through the medium of the interpreter rather than directly.

One of the main responsibilities of an interpreter is to bridge the gap between the two cultures, and while remaining impartial, ensure that he has grasped the exact meaning of what he is required to translate. Regarding the latter point, agencies requiring the services of an interpreter have been advised to make certain that the interpreter understands any technical or difficult phrases that might be used. Secondly, the interpreters have been told that they should insist that the speaker state his ideas separately so that they are expressed clearly and one at a time to ensure their proper translation. As we will see, these comments have an important bearing on interpreting in court. The following are some of the difficulties involved in the translation of legal concepts and procedures.

The absence of an equivalent meaning for guilty in *Inuktitut* has posed some problems. Some interpreters convey its meaning as well as ascertain a person's intent through asking the accused "do you think you have done something for which you should be punished?" or "do you personally regard the act you have committed as being wrong or right?" The object is to ensure the accused's comprehension of the term as well as establish for the court the person's state of mind during the act in terms of criminal intent, or awareness that the act was contrary to the law.

Similarly, there is no exact word in *Inuktitut* corresponding to our meaning of rape. The difficulty in the translation of this term, in order to verify the degree of consent and physical force involved, frequently results in interpreters being forced to explain the concept in explicit and current slang to ensure its comprehension. In such a manner, the interpreter tries to distinguish whether the act involved "pleasure" or "unhappiness" and whether it was forced.

If an accused has been found guilty, prior to sentencing, the interpreter may use the Criminal Code to explain the range of possible penalties. In addition, the interpreter is careful to explain the differences between consecutive and concurrent sentences, also a matter often misunderstood.

We have cited just some of the difficulties involved in translation to illustrate the continuing need for trained interpreters in court work, ensuring that those with a limited knowledge of English and our system of socio-legal control receive a fair hearing.

Prior to the formation of the interpreter corps, we observed that some Inuit regarded persons engaged as interpreters with disdain; they perceived them as playing the role of paid informers being exploited by the various white-dominated agencies. Apparently these feelings stemmed from the fact that in situations involving the use of untrained interpreters for court work, an individual found guilty may or may not have had reasonable grounds to believe that the interpreter somehow contributed to his conviction. According to one Inuk, "in past days, the role of an interpreter was more one of informing . . . telling the facts than concentrating on a person's understanding." In addition, it should be noted that an interpreter has to reconcile the pressures arising from the clash of the two cultures.

To avoid the transference of this negative image to members of the interpreter corps, it was stressed during their training that their objective is to see that the accused gets a fair trial and that justice is done. While maintaining his neutrality, the interpreter acts as a friend of the court by ensuring that the accused understands the proceedings and is given every opportunity to receive an explanation when he is in doubt. Furthermore, prior to the proceedings, the magistrate or judge usually explains that the interpreter is present to verify the accuracy of the information presented by the R.C.M.P. and the Crown. As a result, it appears that the members of the corps have now gained the respect of the Inuit community.

In view of the extensive legal workload in centres such as Frobisher Bay, several observers of the justice system believe that this is sufficient reason to justify the establishment of a number of interpreters trained to specialize in court work. While the quality of the services rendered by the members of the corps has surpassed any previous attempts in this regard, several members have admitted that their legal training in law, police and court procedures, has not yet been adequate for their specialization in legal work.

An examination of sentencing, in default of payments and appeals

At this juncture we would like to focus on the sentencing or the decision-making of the courts, the failure to abide by their rulings illustrated in cases of default in payment of fines, and the matter of appeals or proceedings taken to correct an erroneous decision of a court.

A. Sentencing

To begin our discussion we would like to comment on some of the findings regarding the sentencing of all charges arising from offences committed during 1972 in Frobisher Bay, coming before the Justice of the Peace, Magistrate's and Supreme Courts.

In an evaluation of the result of charges before the judiciary by offence type, Table 27 shows that 90.6 percent of all charges terminated in convictions. Crimes against property led all other offence categories in the number of dismissed, acquitted, or found guilty but given an absolute discharge, and liquor offences have the highest percentage of convictions. These findings have been explained by the fact that two or more counts may result from one incident involving property, with a guilty plea on one or insufficient evidence often culminating in the withdrawal of the other by the Crown, and the punishment of minor offences, such as liquor, irrespective of intent.

However, when we consider the percent distribution of the result of charges by type of court, indicated in Table 28, we find that while 90.6 percent of all charges result in convictions, the percentage of convictions by the lower court, comprising 95.3 percent, dramatically exceeds the 67.5 percent of those subsequently found guilty of all charges coming before the superior courts. Generally, this appears to be due to an absence of legal counsel in summary conviction cases as well as the minor nature of the offences, the majority being violations under the Liquor Ordinance.

Regarding the dispositions for convictions in offences before the judiciary, Table 29 indicates that non-institutional sentences, comprising 82.1 percent, significantly exceed the 17.9 percent representing those incarcerated, or incarcerated with a fine or probation. The distribution of non-institutional and institutional sentences for liquor offences, though on a slightly larger scale, corresponds to the previous pattern, whereas the percentage of those receiving non-institutional sentences for offences such as crimes against the person and sexual offences and property offences, while similar to one another but lower than that for liquor offences, still surpasses the number of those sentenced to an institution.

With respect to the type of sentence for convictions before the judiciary by offence type per racial group, Table 30 illustrates that liquor offences comprise 64.3 percent and 41.3 percent or the major category in which the total number of Inuit were found guilty, receiving non-institutional as well as institutional dispositions, respectively. Motor vehicle violations totalling 56.1 percent represent the predominant offence type of all convicted non-Inuit given non-institutional sentences, with those incarcerated too limited for purposes of analysis.

Considering the percent distribution of the initial sentences dispensed by the different courts, as we have seen elsewhere, non-institutional measures are the predominant options utilized by the lower court, comprising 86.8 percent in contrast to 50.5 percent by the Magistrate's and Supreme Courts. However, it is interesting to note that when we include

Table 27

Result of Charges Arising from Offences Committed During 1972, Before the Judiciary, by Offence Type, Frobisher Bay, NWT

Offence type	Dismissed, acquitted, found guilty but given absolute discharge		Convictions				Total charges	
			Original charge	Charge reduced to lesser offence	Total convictions			
	N	%	N	N	N	%	N	%
Against the person and sexual offences	10	11.8	70	5	75	88.2	85	100.0
Against property	16	26.7	42	2	44	73.3	60	100.0
Motor vehicle	8	12.3	57		57	87.7	65	100.0
Liquor offences	9	3.7	236		236	96.3	245	100.0
Against administration of justice, drugs and other	3		29		29		32	100.0
Grand total	46	9.4	434	7	441	90.6	487	100.0

Table 28

Percent Distribution of Result of Charges Arising from Offences Committed During 1972, by Type of Court, Frobisher Bay, NWT

Type of court	Dismissed, and/or acquitted; and/or found guilty but given absolute discharge		Convictions				Total charges	
			Original charges	Reduced to lesser offence	Total convictions			
	N	%	N	N	N	%	N	%
Justice of the Peace	19	4.7	385		385	95.3	404	100.0
Magistrate's and Supreme (NWT)	27	32.5	49	7	56	67.5	83	100.0
Grand total	46	9.4	434	7	441	90.6	487	100.0

Table 29

Conviction of Offences Committed During 1972, Before the Judiciary, by Offence Type, Frobisher Bay, NWT

Offence type	Sentence													
	Non-institutional							Institutional					Total convictions	
	Suspended sentence	Suspended sentence + probation	Probation + fine	Fine	Recognizance to keep the peace	Sub-total N	Sub-total %	Fine + Institution	Institution	Institution + probation	Sub-total N	Sub-total %	N	%
Against the person and sexual offences		5	2	39	2	48	64.0		20	7	27	36.0	75	100.0
Against property	1	7	4	16		28	63.6		15	1	16	36.4	44	100.0
Motor vehicle				56	1	57	100.0						57	100.0
Liquor offences	1	4	1	199		205	86.9	3	28		31	13.1	236	100.0
Against administration of justice, drugs and other		1		22	1	24			4	1	5		29	100.0
Grand total	2	17	7	332	4	362	82.1	3	67	9	79	17.9	441	100.0

Table 30

Conviction of Offences Committed During 1972, Before the Judiciary, by Offence Type per Racial Group[1], Frobisher Bay, NWT

	Sentence																							
	Non-institutional												Institutional											
	Suspended sentence		Suspended sentence + probation		Probation + fine		Fine		Recognizance to keep the peace		Racial group sub-total				Fine + institution		Institution		Institution + probation		Racial group sub-total				Total convictions	
											Eskimo		non-Eskimo								Eskimo		Non-Eskimo			
	E	NE	E	NE	E	NE	E	NE	E	NE	N	%	N	%	E	NE	E	NE	E	NE	N	%	N	%	N	%
Against the person and sexual offences			5		1	1	33	6	1	1	40	13.1	8	14.0			19	1	7		26	34.7	1		75	17.0
Against property	1		7		4		14	2			26	8.5	2	3.5			15		1		16	21.3			44	10.0
Motor vehicle							25	31		1	25	8.2	32	56.1											57	12.9
Liquor offences	1		4		1		190	9			196	64.3	9	15.8	3		28				31	41.3			236	53.5
Against administration of justice, drugs and other			1				17	5		1	18	5.9	6	10.5			2	2		1	2	2.7	3		29	6.6
Grand total	2		17		6	1	279	53	1	3	305	100.0	57	99.9	3		64	3	8	1	75	100.0	4	100.0	441	100.0

[1]E and NE represent Eskimo and non-Eskimo.

those cases sentenced to fines or probation with fines, subsequently incarcerated in consequence of their default of payment, as shown in Table 31, we find that the actual number of all those receiving non-institutional sentences declines significantly from 82.1 percent to 68.9 percent, or shows a 13.2 percent increase in those institutionalized, with similar increases of 13.6 percent and 10.7 percent in those actually incarcerated for their default in payment of fines dispensed by the Justice of the Peace and superior courts, respectively. We will return to this matter shortly.

We have mentioned that the courts, in particular the superior courts, have tried to bridge the gap between traditional and modern law ways through a less rigid approach to the rules of procedures and sentencing during their deliberation of charges involving indigenous people. Accordingly, sentencing of Inuit reflected several modifications, such as an extensive use of non-institutional sentences based on the knowledge that Inuit, in particular, do not readily adapt to confinement, and shorter institutional sentences for Inuit to take into account their shorter lifespan. During our research we endeavoured to ascertain the opinion of those engaged in the administration of justice and others as to the current validity of these adjustments in the sentencing of Inuit.

One counsel did not believe that the argument for shorter sentences based on a shorter life span was valid today. However, he felt that in arriving at their decision, the courts should assess each case on its own merits in terms of the person's level of acculturation. Another counsel was of the opinion that no racial group should receive any preferential consideration in sentencing. He stressed that the courts should focus on a person's level of education, health, and employment rather than on the racial variable.

The consensus of opinion was that while an assessment of a person's level of transition to the white culture should still be made, special consideration in sentencing predicated solely on the person's racial status is not warranted. One observer was particularly bitter about some Inuit, as he saw it, putting on an act as victims of the culture conflict in order to sway the sympathy of the courts. He felt that "if they can adapt to all the good parts of our culture, they should not suddenly claim or desire to be treated as Eskimos when they have broken the white man's law."

However, while the transition of Inuit to our legal norms and formalized means of social control will soon reach the point where it will no longer constitute grounds for any adjustments in sentencing Inuit or indigenous people, the fact remains that at present,

Table 31

Percent Distribution of Initial[1] and Actual[2] Convictions of Offences Committed During 1972, by Type of Court, Frobisher Bay, NWT

Type of court		Sentence					
		Non-institutional		Institutional			
		Suspended sentence with + without probation and/or probation + fine and/or fine; and/or recognizance to keep the peace		Fine + institution; and/or institution; and/or institution + probation		Total convictions	
		N	%	N	%	N	%
Justice of the Peace	initial	334	86.8	51	13.2	385	100.0
	actual	282	73.2	103	26.8	385	100.0
Magistrate's + Supreme (NWT)	initial	28	50.0	28	50.0	56	100.0
	actual	22	39.3	34	60.7	56	100.0
Grand total	initial	362	82.1	79	17.9	441	100.0
	actual	304	68.9	137	31.1	441	100.0

[1]Initial: Represents distribution of sentences dispensed by courts.
[2]Actual: Takes into consideration those cases sentenced to fines or probation with fines, subsequently incarcerated in consequence of their default of payment.

the majority of those coming to the attention of the administration of justice in the Northwest Territories, generally handicapped in educational or occupational skills as well as relegated to a lower socio-economic strata, are aboriginal people.

We believe that the current decisions of the courts show an increasing emphasis on the criminogenic role of the socio-economic consequences of Inuit adjustment to Euro-Canadian society and town-life, with less attention being given to their shorter life span, ability to adapt to confinement and other sentencing or procedural adjustments, particularly important during their initial contact with our Canadian laws and system of justice.

As we have mentioned previously, the decision-making of the judiciary, and particularly of the superior courts, has reflected some modification of specific principles of law and sentencing to avoid injustice during the period of transition.

We ascertained that many Inuit as well as white residents, along with those involved in the administration of justice, both within and outside the community, expressed deep concern and dissatisfaction regarding what they consider unrealistic or lenient sentences dispensed by the superior courts considering the gravity of the offences that come under their jurisdiction.

The resentment over the disparity in sentencing is continually re-enforced by numerous instances, which our own statistics confirm, where a person may be incarcerated for a summary conviction or minor liquor offence before the J.P. Court, and yet receive a lesser sentence for a more serious charge before one of the superior courts. For example, one such illustration brought to our attention involved the case where an accused was sentenced by a J.P. to three months in prison upon conviction on a charge of illegal possession of alcohol, only to see his friend receive a suspended sentence on conviction before the Supreme Court on a charge of breaking and entering. Many feel that such sentencing undermines public confidence in the administration of justice. One of our findings concerning the unwillingness or hesitancy among Inuit to lay a charge, despite its seriousness, revealed that many Inuit have little faith that the courts will sentence harshly enough.

While several Inuit have become resigned to what they perceive as the courts inability to sentence appropriately, others are concerned about the apparent injustice of such disparities. For example, one Inuk informed us that:

the Supreme Court seems to be the most lenient, yet supposedly deals with the more serious offences . . . this is not fair, especially for the victim . . . there should be more harsh sentences to let the person get an idea of what it is like.

On this subject, one officer of the R.C.M.P. cited an instance where an Inuk approached him and said in effect, that "if one is considering the shorter life spans of the natives, then one should also consider the life expectancy of the victim."

Though the issue of "unrealistic" or "soft" sentences is criticized by whites as well as Inuit, the latter seem to be more perplexed as to the rationale for it. They have been forced to relinquish the major responsibility for the control of troublemakers and offenders to the formalized white-dominated agencies of control, and are now expressing some doubts as to whether these structures can deter or treat the anti-social behaviour of these few individuals or ensure the adequate protection of possible victims and members of the community. However, we would like to emphasize that while Inuit may advocate more severe sentences than are presently dispensed in certain serious crimes against the person, and lesser or alternative sentences for many of the minor violations appearing before the Justice of the Peace Court, their entire approach to sanctioning deviant behaviour remains flexible.

To correct the apparent disparity in sentencing between courts, some participants in the administration of criminal justice have urged that the superior courts abide more closely by the guidelines provided within the various statutes and the Criminal Code regarding penalties, as well as leave it to the agencies for resocialization to decide when an offender is ready to be released.

The leniency in the sentencing dispensed by the superior courts has been attributed to several factors. Some believe that a paternalistic attitude still exists among several members of the bench who feel obliged to modify their approach to procedures and sentencing to ensure justice for an indigenous people, still unfamiliar with the laws and formalized system of social control. As we have indicated previously, several observers and participants in the system's administration no longer feel this to be valid. Other factors cited are that members of the circuit courts have a more general view of the situation and have no involvement in the social problems of the local community. Accordingly, an outside magistrate or judge is not as susceptible as the local J.P. to community pressures, nor does he necessarily share the community's views on certain types of offenders or its approach to their sanctioning or resocialization.

Though we have been able to substantiate the relevancy of several of the aforementioned determinants in the sentencing of the superior courts, in their defence, we would like to point out the general absence of facilities in the Northwest Territories for resocialization. There is a lack of personnel to implement a program, a reluctance to sentence indigenous persons to penitentiary terms involving their lengthy dislocation from the North, and a skepticism about the effectiveness of the Yellowknife Correctional Centre;

all these factors have entered into their decision to opt, at least initially, for non-institutional measures.

It is difficult to predict whether public opinion will be able to motivate increased severity in sentencing by the superior courts with a proportional decline in that of the lower court. However, the recent agreement entered into with the Federal Government enabling northerners sentenced to penitentiary terms, and subject to their suitability for the program, to serve their sentence at the Yellowknife Correctional Centre, the decentralization of corrections with the creation of a regional facility such as the Baffin Correctional Centre, *Ikajurtauvik* in Frobisher Bay, the improvement in the legal training of J.P.s, and significantly, the recent emergence of community concern and action pertaining to the problem of social control, may provide alternative solutions to the current dilemma of disparities in sentencing.

B. In default of payments

With the implementation in December, 1972, of a system involving the direct mailing of fines to the Clerk of the Court in Yellowknife, by means of specially designed forms, the R.C.M.P. gladly relinquished their responsibility for the collection of fines. We have been informed that in sentences involving fines, when required, payments can be made in installments and that time to pay is generally extended to six weeks before a warrant for committal in default of payment is issued or executed. However, at the recent conference of J.P.s in Yellowknife, it was resolved that the Territorial Government be asked to comply with their request that warrants be in their hands as soon as possible after the time of payment has elapsed.

While we have not been able to substantiate the allegations made by several sources that, on occasion, the police have manipulated warrants where an outstanding one may be served the moment the individual returns from jail or one at a time, thereby prolonging an individual's incarceration when all warrants could be served concurrently, we were able to obtain some indication of the incidence of default of payment of fines and length of time served, by offence type per racial group, and some of the motivations involved.

Previously, we established that with respect to all convictions for offences committed during 1972, the inclusion of all cases sentenced to fines or probation with fines, subsequently incarcerated in default of payment, revealed that those actually receiving non-institutional sentences declined from 82.1 percent to 68.9 percent, and showed a 13.2 percent increase in those institutionalized.

With respect to the distribution in default of payments for all those sentenced to fines or fines with probation, by offence type, Table 32 shows that 17.1 percent of the total culminated in imprisonment for default of payment, the majority comprising liquor offences and, to a lesser extent, those against the administration of justice, drugs and other, and motor vehicle.

Regarding the length of time served by those in default of payment by offence type per racial group, Table 33 reveals that while the number of cases of default for non-Inuit was not sufficient for a comparison per racial group, other than the fact that all those in default, except one case, were Inuit, the length of time served by Inuit in default (the majority concerning liquor offences by minors) ranged from one to ninety days with a concentration of short jail terms of one to three days.

Table 32

Percent Distribution of Payments Received for Sentences to Fines or Fines with Probation on Conviction for Offences Committed During 1972, Before the Judiciary, by Offence Type, Frobisher Bay, NWT

Offence type	Payment received for sentences of fines or fines with probation		In default of payment of fines — imprisonment		Total sentences to fines or probation with fines	
	N	%	N	%	N	%
Against the person and sexual offences	38		3		41	100.0
Against property	10		10		20	100.0
Motor vehicle	54	96.4	2	3.6	56	100.0
Liquor offences	161	80.5	39	19.5	200	100.0
Against administration of justice, drugs and other	18		4		22	100.0
Grand total	281	82.9	58	17.1	339	100.0

Table 33

Length of Time Served in Default of Payment of Fines for Sentences to Fines or Fines with Probation on Conviction for Offences Committed During 1972, Before the Judiciary, by Nature of Offence per Racial Group[1], Frobisher Bay, NWT

Offence	Length of time served in default of payment of fine												Total in default of payment of fines				Total sentences to fines or probation + fines by offence type			
	1-3 days		4-7 days		10-15 days		28-30 days		60 days		90 days		E		NE		E		NE	
	E	NE	E	NE	E	NE	E	NE	E	NE	E	NE	N	%	N	%	N	%	N	%
Common assault			1										1							
Causing disturbance by fighting			1		1								2							
AGAINST THE PERSON			2		1								3	5.3			34	11.9	7	13.0
Theft under $200			1										1							
Having in possession			2				1		2				5							
Taking motor vehicle or vessel			1										1							
Wilful damage			1										1							
Damage not exceeding $50	2												2							
AGAINST PROPERTY	2		5				1		2				10	17.5			18	6.3	2	3.7
Driving with more than 80 mgs of alcohol in blood					1								1							
Motor vehicle ordinances	1					1							1		1					
MOTOR VEHICLE	1				1	1							2	3.5	1		25	8.8	31	57.4
Adults who contribute to juvenile delinquency by supplying liquor to minor							1						1							
Supplying liquor to minor	2		1		1		1				1		6							
Causing a disturbance by being drunk	1						1						2							
Minor consuming	16		2				2						20							
Unlawful possession of alcohol	4		3		1								8							
Persons forbidden to enter premises	1												1							
LIQUOR OFFENCES	24		6		2		5				1		38	66.7			191	67.0	9	16.7
Failure to attend court having received appearance notice	1												1							
Failure to obey summons	1												1							
Public mischief			1										1							
Causing a disturbance by indecent exhibition	1												1							
AGAINST ADMINISTRATION OF JUSTICE	3		1										4	7.0			17	6.0	5	9.2
Grand total	30		14		4	1	6		2		1		57	100.0	1	100.0	285	100.0	54	100.0

[1]E and NE represent Eskimo and non-Eskimo.

In our subsequent discussion, we will examine police procedures regarding warrants for committal in default of payment, the success of the system of mail-in fines and the motivations involved in opting for serving time rather than paying the fine.

First, the police refute the allegation that they occasionally manipulate the timing of the execution of warrants. Despite their wish to serve all outstanding warrants applicable to one individual at the same time, the confusion in this matter is due to people refusing to pay their fines, the fact that they may be consecutive rather than concurrent, as well as to the administrative delays at the office of the Clerk of the Court in Yellowknife in issuing warrants to the R.C.M.P.

Though most observers are satisfied with the present operation of the mail-in fine system, some regard it as a partial factor in the confusion in payments. However, the policy of the police has been to exercise discretion in their execution of warrants in situations where a person claims he has paid the fine or lost the mail-in card. They are of the opinion that Inuit are not very concerned about the consequences of being in default of payment. One officer remarked that some individuals "call the detachment to inquire if their warrants are in from Yellowknife."

As we have mentioned previously, the majority of those in default served jail terms of from one to three days. However, recently, the J.P.s have tended to extend a term of one day in jail to two for default of payment, since one day in jail only involved one hour of a person's time, during which he would be admitted and subsequently discharged.

Rebellion on the part of some minors, inability to pay, "less expensive to refuse," or "better room and board than what they may have at home" were some of the most frequent explanations cited for those refusing to pay the fines. Interestingly, of those sentenced to fines for offences committed during 1972, the majority of those who refused to pay were imprisoned during the winter months from January to April.

In conclusion, our findings indicated that the actual rate of institutionalization was higher than suggested by the official records, which failed to include those in default of payment, and that the majority of those involved were Inuit teenagers. It is hoped that the recent concern shown by the community regarding the criminogenic and social consequences of the abuse of alcohol may have some controlling effect on the incidence of underage drinking, as well as success in establishing alternative measures to cope with minor consumers rather than their incarceration either as a sentence or in default of payment of fines.

C. Appeals

Appeals in summary conviction offences are brought before the Supreme Court of the Northwest Territories, whereas appeals in the case of indictable offences appearing before the Magistrate's or Supreme Courts are filed with the Appelate Division of the Supreme Court of Alberta.

Of a total of 441 convictions for offences committed during 1972 in Frobisher Bay, there were eight appeals, five by Inuit and three by non-Inuit defendants, involving sentences dispensed by either the Justice of the Peace or Magistrate's Court. Specifically, Table 34 shows that of the total of eight cases, all sentence appeals, generally comprising offences against the person or liquor violations, the seven heard by the Judge of the Supreme Court resulted in either a modification or suspension of sentence, and the one case that came before the Supreme Court of Alberta was dismissed.

Generally, in Frobisher Bay, an accused learns of his right to appeal through the legal aid field representative, or occasionally from the J.P., who, if unsure about his decision, may inform the defendant that he has the right to appeal. The police will provide the application form and information regarding appeals on a request basis only. Several observers believe that the reluctance of the police to inform the accused of his right to appeal stems from the feeling that it is not a part of their job. However, if the police or Crown feels that there has been an incorrect disposition, they will appeal on behalf of the accused. Occasionally, action pertaining to an appeal, generally of sentence, may not evolve until the person, once incarcerated, begins to compare his sentence with similar cases among his fellow inmates. While this is true for most other people, the staff at the Yellowknife Correctional Centre are of the opinion that Inuit will rarely proceed on their own to contest the court's decision. Accordingly, the staff at the Centre, if they feel that there are sufficient grounds to justify an appeal, will initiate an action on behalf of the Inuit prisoner.

As we have seen during our discussion on legal aid, if the local representative believes that in arriving at its decision the court did not consider certain relevant factors that would have modified the sentence, he brings the matter to the attention of the Legal Aid Committee in Yellowknife. Regarding the criteria governing the initiation of appeal, if legal counsel and the Committee feel that the accused has no solid grounds to warrant an appeal or that it would have a limited chance of success, they will not initiate any action. This is based on the fact that the Committee feels that it has to be reasonably certain that there are sufficient grounds to justify an appeal, otherwise "there would be too many appeals." However, most observers feel that the main criterion in support of an appeal should be based on its legal merit rather than on administrative considerations such as the probability of its success or the cost involved. Accordingly,

Table 34

Disposition of Appeals of Sentence by Defendants in Convictions for Offences Committed During 1972, Dispensed by the Justice of the Peace and Magistrate's Courts, by Nature of Offence per Racial Group, Frobisher Bay, NWT

Offence	Appeal of sentence by defendant								
	Dismissed		Sentence modified		Suspended sentence		Court of Appeal		
	Eskimo	Non-Eskimo	Eskimo	Non-Eskimo	Eskimo	Non-Eskimo	The Supreme Court of NWT	The Appelate Division of the Supreme Court of Alberta	Total
Assault causing bodily harm	1							1	1
Common assault			1			1	2		2
Causing disturbance by being drunk			1				1		1
Supplying liquor to minor			2				2		2
Recognizance, breach of				2			2		2
Grand total	1		4	2		1	7	1	8

it is felt that the major decision as to whether to proceed or not should rest with the legal counsel in the case rather than with the Committee.

The following is an illustration of an appeal by a defendant, represented by legal counsel, of a sentence on summary conviction dispensed by the Justice of the Peace Court, heard by the Judge of the Supreme Court of the Northwest Territories.

The case involved an Inuit female, aged 21, with an extensive record of convictions for liquor-related incidents, who had been found guilty on a charge of causing a disturbance by being drunk in a public place and sentenced by the J. P. to six months' imprisonment at the Yellowknife Correctional Centre. Shortly after her arrival at the Centre, the staff, feeling that there were ample grounds to justify an appeal of the sentence, contacted the Legal Aid Committee. At the hearing, in support of the appeal, defence counsel argued that the sentence was too severe and totally inappropriate in view of the circumstances of the case. Furthermore, he stated that the J. P. gave this maximum sentence because he had been antagonized by the accused during the proceedings. Other than citing the fact that the accused had refused any assistance at her trial, the Crown prosecutor had little else to offer in contesting the presentation by the defence. In his decision, the judge reduced the sentence of the accused to the time she had already served in custody, approximately two months. He based his ruling on the fact that the accused had been punished mainly for her past behaviour, not for the present offence, and while he is generally hesitant to interfere in the sentencing of the lower court, he believed that a six month sentence was too harsh.

In conclusion, the consensus of those involved in the administration of justice is that the appeal system generally has been effective in rectifying the occasional inappropriate dispositions of the J. P. s. Furthermore, it is anticipated that their decision-making abilities will be further enhanced by the current emphasis on their training in law, procedures and sentencing.

Inuit and the extent of their understanding of law, legal concepts, court procedures and orders

Hitherto, we have presented a description of the functioning and decision-making of those agencies designated for the enforcement of law and its administration. Throughout our discussion we have referred to the various formal and informal efforts of the police to promote what the Honigmann's (1965) have termed as "sanctioning learning." Furthermore, as we have noted, during the transition of Inuit to our Canadian law, the courts have modified specific principles of law and sentencing to avoid any injustice to the indigenous people. While we have mentioned some of the difficulties faced by Inuit during this learning stage, we will now examine in some detail the degree of success or effects of sanctioning learning among Inuit in Frobisher Bay in terms of their current level of understanding of law, legal concepts, court procedures and orders, as well as measures taken toward the improvement of their legal instruction.

A. Inuit and the law

First, we would like to reiterate that, in general, Inuit do not bring situations to the attention of the police and courts for conflict resolution. Secondly, for reasons about to be discussed, Inuit rarely play an active role in their defence or contest the validity of the charge.

Regarding the level of understanding of the law, while it appears that they have knowledge of its existence, according to one Inuit observer "whites don't explain it or the reasons behind it." Generally, as we approach the younger age group, whose exposure to English and Euro-Canadian culture has been hastened by the educational system, we find that they are more familiar with the law than their elders as are those who have learned through experience as a result of their apprehension and conviction. Significantly, Inuit are still dependent on whites and white-dominated agencies to interpret the law.

Despite their rudimentary knowledge of the law, laws pertaining to sexual immorality, such as rape or attempted rape, do not seem to be clear or accepted. While Inuit have accepted the illegality of statutory rape or sexual intercourse with a person under 14 years of age, several Inuit agreed with one Inuit female who informed us that Inuit do not consider rape as serious a matter as does the Criminal Code unless "the girl was really fighting to resist and the clothes were torn. It is not rape if she says 'I didn't want to make love'." However, while Inuit may not recognize rape as a grave offence, they do not tolerate physical assault. This was confirmed by one experienced counsel who remarked that "unless the woman was severely beaten, it is difficult to get a conviction on a rape charge and show that she did not give consent."

B. Legal concepts

Aside from the difficulty surrounding the lack of comprehension and acceptance of the legal definition of rape, for which no comparable word exists in *Inuktitut*, the courts and interpreters have had a particular problem ensuring an adequate understanding of the concept of guilt.

Our subsequent discussion will focus on the extent of their understanding of the concept of guilt, the rationale for pleading guilty, and the judicial approach to ensure its comprehension.

As we have indicated elsewhere, while the understanding of the term poses problems for Inuit, the younger generation, as a result of their facility in English and contact with Euro-Canadian culture, as well as recidivists, are generally more familiar with its meaning than older Inuit and first offenders.

The major difficulty surrounding the concept of guilt for certain offences is for counsel and the courts to establish whether the accused knows a given act is wrong and whether there was criminal intent involved, which determine the nature of the plea and any grounds for a defence. Some Inuit have not understood or taken advantage of the fact that the law states that they may have a defence in certain situations despite having committed the act.

Prior to a discussion as to the rationale behind Inuit pleading guilty, even when they may not fully understand the term, we will present our findings concerning the nature of pleas for charges arising from offences committed during 1972 in Frobisher Bay, before the judiciary by offence type. While the distribution of pleas for all charges indicated that 86.3 percent pleaded guilty, the distribution of pleas by offence type, illustrated in Table 35, reveals that those charged with liquor offences comprised the major portion pleading guilty whereas crimes against the person and sexual offences represented the largest percentage pleading not guilty.

However, regarding the distribution of the nature of the pleas by type of court, Table 36 shows that in 93.8 percent of all charges appearing before the Justice of Peace Court a plea of guilty was entered in contrast to 49.4 percent for all charges appearing before the superior courts. Though there are no statistics regarding the distribution of the nature of the pleas by type of court for Canada as a whole, it is our impression, confirmed by others in the field, that a similar trend is evident throughout Canada. While the following discussion will explore some of the reasons for this finding, we could like to note that further confusion surrounding the concept of guilt is due to the fact that the minor nature of offences appearing before the summary conviction court generally precludes the use or recognition of *mens rea* as a defence against the charge.

Some of the main reasons cited for the frequency with which Inuit enter a plea of guilty, aside from instances where their comprehension of the term is significantly impeded by language difficulties, are: the absence of legal counsel, the belief that they have no case, being overwhelmed by an unfamiliar and imposing structure, feeling that "they will get into trouble if they protest", having been impaired to the point where they are unable to sufficiently recall the circumstances of the offence to contest police facts, indifference to the consequences or stigma of conviction as compared to non-Inuit, believing that they will only be fined, as a matter of expediency, feeling that they should be punished so they can be redeemed, or their basic honesty.

However, while we believe that the previous reasons are valid explanations of the frequency of a plea of guilty among Inuit, if we were to control the racial variable, it would still be considerable, but it is our impression that many of these reasons would also hold for whites residing in the underprivileged areas of urban centres throughout Canada. Like many Inuit, it would seem that those in the lower socio-economic strata of society have a misconception and ignorance of the law.

In the Justice of the Peace Court, the J. P. s. generally determine the type of plea by asking the accused whether it is true or not that the offence took place as indicated in the information presented by the police. While they realize the shortcomings of such a

Table 35

Nature of Plea for Charges Arising from Offences Committed During 1972, Before the Judiciary, by Offence Type, Frobisher Bay, NWT

Offence type	Plea of guilty		Plea of not guilty		No plea entered		Total charges	
	N	%	N	%	N	%	N	%
Against the person and sexual offences	63	74.1	18	21.2	4	4.7	85	100.0
Against property	41	68.3	10	16.7	9	15.0	60	100.0
Motor vehicle	55	84.6	8	12.3	2	3.1	65	100.0
Liquor offences	232	94.7	8	3.3	5	2.0	245	100.0
Against administration of justice, drugs and other	29				3		32	100.0
Grand total	420	86.3	44	9.0	23	4.7	487	100.0

Table 36

Percent Distribution of Nature of Plea for Charges Arising from Offences Committed During 1972, by Type of Court, Frobisher Bay, NWT

Type of court	Plea of guilty		Plea of not guilty		No plea entered		Total charges	
	N	%	N	%	N	%	N	%
Justice of the Peace	379	93.8	16	4.0	9	2.2	404	100.0
Magistrate's and Supreme (NWT)	41	49.4	28	33.7	14	16.9	83	100.0
Grand total	420	86.3	44	9.0	23	4.7	487	100.0

procedure and its failure to take into account the possibility of any extenuating circumstances, if they suspect that the individual is in doubt, they will inform him that a legal aid field representative is available for consultation and assistance in this regard.

Generally, pleas of not guilty are so infrequent that the police are startled when they occasionally occur. When this does happen, they will re-check their information and sometimes drop the charge if the evidence is weak. An example was the case of an Inuit male who had been charged with illegal possession of alcohol. The accused approached the legal aid officer and asked for assistance because he felt he was not guilty of the offence. The officer helped him to prepare his defence with witnesses to back him up in court. In court, the police opted to drop the charge.

One frequent observer of the proceedings of the J. P. Court believed that, aside from the fact that a significant number of Inuit plead guilty because they realize they have done wrong, a lack of awareness that they may have a defence in situations where extenuating circumstances would exonerate them from any intent to commit the act contributes to the frequency of guilty pleas. However, one member of the bench felt that the onus still rests on the accused or a person acting as a friend of the court to explain any extenuating or other circumstances.

Regarding this point, one Inuk remarked that those who adhere to such a position fail to appreciate that "many Inuit don't know how to explain what happened in terms understandable to the J. P." However, this appears to be changing as a result of the availability of a trained interpreter at the sessions of the Justice of the Peace Court.

With respect to the approach of magistrates or judges concerning the entering of pleas, they seek to establish in their own minds that the accused feels he is guilty rather than just entering a plea without further consideration. However, in serious charges, they are very reluctant to accept a plea unless the accused is represented by counsel. Generally, they have followed Judge Sissons' formula in ascertaining guilt and whether its meaning is understood by asking the following questions. "Did you do it?" If the accused answered yes, the judge would inquire: "Did you know that it was wrong?"

The varying approaches to a determination of guilt by the different levels of the judiciary correspond to their jurisdiction over offences or matters that appear before

them. While the majority of offences coming before the Justice of the Peace Court involve minor offences, generally punishable irrespective of intent and with limited grounds for a defence, requiring only that it establish that the offence was committed by the accused or that it occurred, in the more serious offences appearing before the superior courts, it must be determined whether there was any intent by the defendant, as well as whether the act did take place in accordance with the information given by the police.

However when we consider that the consequences of convictions in the Justice of the Peace Court may be more severe than the superior courts, the majority involving Inuit, the question arises whether *mens rea* or intent should not also be considered in minor offences or whether the option of imprisonment for certain offences should be removed from the sentencing power of the lower court.

C. Procedures

Earlier we had mentioned that though the superior courts are more careful in their scrutiny of confessions made by Inuit prior to their admissibility as evidence, many Inuit still fail to realize the consequences of their signature to a confession and its subsequent use as evidence against them.

In addition, many do not understand what is involved in situations where they are asked how they elect to be tried, for example, by magistrate or judge. Occasionally, first offenders may not be familiar with the function of a lawyer when asked if they would like to be represented, or aware of the role of a jury.

According to one Inuk, many people fail to realize that:

there are many things which are quite well understood by whites who have been exposed to these procedures or concepts, but foreign to Inuit. That would be just like asking whites, (in a similar situation) if they would like the assistance of the tupiilaa *(shaman). Inuit don't talk about it . . . but while everyone assumes that the concept of shamans is well understood as a result of their exposure to it, it would be an entirely foreign concept to whites.*

D. Court orders

While Inuit are beginning to have a basic understanding of the function of the search warrant or summons, occasional problems arise because, according to one member on the bench, "the member (R.C.M.P.) may not have explained it properly." We have also been informed that in situations where the police ask if they can come in to search the house, many do not realize that they have the right to refuse by demanding a search warrant.

In court, a number of Inuit have not understood the logic of a remand or the adjournment of a hearing to a later date. Subsequently, when the court reconvenes several weeks later, some have found it odd and asked "why the court treats the case as if it happened yesterday." Of course this feeling can be associated with the fact that when an act has been committed, in their own minds, it is over and done with.

Regarding the comprehension of a probation order, while the majority are aware of its significance, problems have arisen because those who have difficulty with English cannot understand it. While courts go to great lengths to ensure that it is understood, several observers cited instances when the interpreter, himself, lacked a proper understanding of the concept. However, during our discussions with those involved in the administration of justice, as well as through our own observations, we learned that while the majority understood the conditions of a probation order, a number have failed to realize that they could be charged for breaching its terms.

E. Measures toward an improvement in the legal instruction of Inuit

From our previous findings, we believe that while the majority of Inuit have a rudimentary knowledge of law, legal concepts, court procedures and orders, we suggest that their tutelage in this regard is not yet complete. In our opinion, the transition of Inuit to our Euro-Canadian system of socio-legal control has been impeded by a neglect of adequate communication of the process, as described by Cumming *et al.* (in press), "by which laws are created and administered, who has these responsibilities, and how laws function" (p. 1). Furthermore, while the discussions throughout our study have described the difficulties attributed to a lack of fluency in English, the laws and penalties contained within our Criminal Code, federal statutes, and territorial ordinances have yet to be translated into *Inuktitut*. However, we should note that some local efforts are being made to translate the Liquor Ordinance.

To correct the imbalance within our justice system as it pertains to Inuit, we will discuss some of the measures taken toward improving their legal instruction.

Responding to this need for the dissemination of information about the law, a publication was circulated in *Inuktitut* and English, entitled, *Justice In the North* (1972), explaining the law and the function of the administration of justice. In addition, a text entitled *Inuit And The Law,* being prepared at the request of the Inuit Tapirisat of Canada by the Indian-Eskimo Association of Canada, explaining the fundamental principles underlying the legal and administrative structures, is in its final stages of production for distribution, free of charge, in syllabic and western orthography, to every Inuit household in the Northwest Territories, Northern Quebec and Labrador.

While there have been no translations of the Criminal Code, federal statutes or territorial ordinances, there are indications that one of the first tasks of the recently approved Alcohol Information Centre, to be located in Frobisher Bay, will be to translate the Liquor Ordinance into Eastern Arctic dialect.

In addition to the formal and informal efforts of the socio-legal agencies to fill the information gap, the bilingual weekly in Frobisher Bay, the *Inukshuk*, during its brief history has contributed immensely to the legal instruction of Inuit through informative articles on the function of law and the administration of justice, as well as in reporting police and court news.

While the implementation of a Legal Aid Program for the Northwest Territories, extending the availability of legal counsel to those otherwise financially unable to retain such services, has further ensured the proper representation of Inuit appearing before the courts, several limitations have become apparent. The major shortcomings impeding a full and comprehensive scheme for legal aid are the absence of resident counsel in all communities, except for Yellowknife and Inuvik, the unavailability of any counsel in matters appearing before the Justice of the Peace Court, as well as the frequent misunderstanding of or general lack of knowledge about the present scheme or the role of its field representative. In consequence, the Inuit Tapirisat of Canada, concerned about the cumulative effect of the above on Inuit combined with the inadequacy of their information about law, legal concepts, court procedures and orders, have submitted a proposal to the Department of Justice for the establishment of a community law office or community legal service centre in Frobisher Bay.

The initial proposal, calling for the creation of four legal centres to serve the major regions in the Territories, was rejected by the Department of Justice on the grounds that it was too elaborate and duplicated many of the services already provided by the existing scheme for legal aid. However, in December 1973, the Inuit Tapirisat of Canada submitted a revised project to the Department of Justice, asking for the establishment of only one community law office, to be located in Frobisher Bay. While the pilot project was approved early in 1974, the centre has not yet commenced its operations.

In its submission to the Department of Justice, the Inuit Tapirisat of Canada (1973) proposed that the community law office, under the control of a board of directors from the community, the majority being Inuit, would have two main functions. In addition to its function of providing assistance in legal matters, particularly those appearing before the local Justice of the Peace Court, presently not covered by the Territorial Legal Aid Program, the community legal service centre would be significantly involved in the legal instruction of Inuit, in legislative reform and the training of para-legal or court workers, and what it has referred to as "the development of a viable body of northern law" (p. 20).

We believe that the legal service centre, together with the other measures described previously, will minimize some of the remaining difficulties facing Inuit in their comprehension of the law and the functioning of our system of socio-legal control.

Corrections

The corrections program, administered by the Department of Social Development, Government of the Northwest Territories, comprises probation, institutional and after-care services, and acts as a representative for the National Parole Service. In addition to the corrections program, the responsibilities of the Department of Social Development extend to the area of child welfare, family counselling with the accent on preventive social work, and public assistance. Though some of these services were previously provided by other agencies, it was not until April 1970 that the Territorial Government assumed responsibility for this department in the Eastern Arctic.

Prior to 1972, the area office of the Department of Social Development in Frobisher Bay had generally functioned in the capacity of a crisis intervention centre. The majority of the people would approach the office for assistance only when their situation had reached a state of crisis. Most of the help given by the Department was in the provision of funds. However, it was felt that this approach had not been effective in tackling the root of the problem. Accordingly, in the spring of 1972 the area office decided to restructure the implementation of its services. Crisis intervention, that is, looking after those arriving at the office for immediate help, would now be handled by a duty officer. The other workers would then be free to cover their caseloads in the community. For example, if there was a caseload of 40 families, each worker would be delegated 10 families and attempt to deal with whatever situation would arise within the family, from social assistance to adult corrections. The objective of this scheme was to improve the assistance given those requiring the Department's services as well as to reduce the number of workers involved with one family. This would prevent the overlapping that frequently occurs where the child welfare officer might obtain a family's social history one day, with the probation officer subjecting the same family to a similar routine the day after. It would also permit one worker to develop a rapport with the family and a sense of continuity by assisting in all problem areas, from corrections to child welfare.

Some critics, in reaction to the restructuring of responsibilities, have stated that corrections, such as probation, should remain distinct and apart from the other services. However, while the entire caseload of the area office in Frobisher Bay was initially distributed equally among the social workers, gradually the situation reverted to its former state, where each worker now specializes in either corrections, child welfare or family counselling, though all cases involving public assistance are shared among the staff.

The main reason for this development has been attributed to the fact that many social workers regard probation as the most coercive aspect of their task, and as a result, many are reluctant to take on these cases. However, though each worker may specialize in one area, the area office stresses that each must be familiar with its full range of services.

While the decision-making of this and other agencies continues to rest with professional whites, some efforts are being made to restructure this hierarchy which, until recently, has relegated Inuit to subordinate roles and to being life-long trainees. One exception to this is the significant Inuit input in the creation and current operation of the Baffin Correctional Centre. Accordingly, the Department of Social Development has proposed a model for the education of Inuit, in cooperation with a southern university, leading to the attainment of a B.S.W., extending over a four year training period.

In our discussion of the state of corrections in Frobisher Bay, we will focus on probation, the R.C.M.P. detachment jail, the impact of the Yellowknife Correctional Centre on Inuit offenders from Frobisher Bay, and the emergence of the Baffin Correctional Centre, *Ikajurtauvik*, the result of the recent move by the Department of Social Development toward the decentralization of its corrections services in the Northwest Territories. We will also discuss parole and after-care.

Probation

While probation services were established in the Northwest Territories in September 1966, it was not until 1968 that such a service was established in Frobisher Bay. At present there is one non-Inuit probation officer, who in addition to this service and the preparation of pre-sentence reports, acts as a territorial parole officer and representative of the National Parole Service, supervising parolees and working in after-care.

Our examination of probation will centre on a description of persons placed on probation by the courts, the approach to the treatment of Inuit clients, its limitations and effects.

A. Persons on probation

Toward an indication of the type of case load carried by the probation officer, we will examine all persons placed on probation, the majority on order of the superior courts resulting from convictions for offences committed during 1972, by offence type per racial group, by age and sex. Specifically, Table 37 shows that of a total of 24 different probationers, 20 had been found guilty of either crimes against the person and sexual offences or property offences, with the majority of offences having been committed by those between 16 and 24 years of age. The distribution per racial group by sex indicated that 21 were Inuit, representing 15 males and six females, with three non-Inuit males. While the distribution of Inuit males by offence type and age corresponded to the trend for all cases, the few Inuit female probationers, mainly between 16 and 19, were convicted for offences against the person, while the small number of non-Inuit males, generally between the ages of 20 and 24, were involved in against the person and drug offences.

Though these figures are too low for the purposes of any detailed analysis, they reflect the type of caseload, by offence type per racial group, by age and sex, carried by the probation officer.

B. The approach to treatment and its limitations

Officially, the policy of probation has been to give offenders an opportunity to learn self control and to avoid anti-social acts or further involvement in criminal behaviour. The reality of the North and of communities such as Frobisher Bay is that these people have to live and work within their own milieu since there are few alternatives open to them elsewhere. Accordingly, the service endeavours to establish some stability by treating the offender within his environment. However, the question remains as to what type of approach would be effective and realistic.

In his approach to resocialization, the officer endeavours to motivate the person to re-examine his values and set himself realistic goals that he can achieve within his milieu. However, according to the officer, this strategy is impeded by the Inuk's lack of conscious planning for the future. Furthermore, casework techniques are generally considered futile when they have to be applied through the medium of an interpreter in dealing with those whose facility in English is very limited.

Generally, persons convicted for violations of the Liquor Ordinance are not often placed on probation. According to one observer, to do otherwise "would be an over-reaction and detract from the placement on probation of those committed for more serious or criminal matters."

However, since the majority of offences committed by persons on probation have been induced by alcohol, the courts frequently make abstention from alcohol one of the conditions of the probation order. This has placed the probation officer in a difficult position where he must assess whether his decision to charge them with a violation will have any rehabilitative value. In the event that a person so restricted purchases alcohol or takes a drink, he may find himself condoning the delinquency if no action is taken or too strict if he charges him with a breach of probation. However, it has not been unusual that in the case of an individual so restricted, who has taken a drink but posed no problem, no charge has been laid.

Table 37

Persons on Probation Resulting from Convictions[1] for Offences Committed During 1972, by Offence Type per Racial Group, by Age and Sex, Frobisher Bay, NWT

Offence type	Age distribution per racial group by sex								Total
	16, 17	18, 19	20-24	25-29	30-34	35-39	40-44	50-59	
	Eskimo males								
Against the person and sexual offences		2	2	1			1	1	7
Against property	1	1	2		1	2			7
Liquor offences				1					1
Total	1	3	4	2	1	2	1	1	15
	Eskimo females								
Against the person	1	1		1					3
Against property		1							1
Liquor offences	1								1
Against the administration of justice		1							1
Total	2	3		1					6
	Non-Eskimo males								
Against the person			1		1				2
Drug offences			1						1
Total			2		1				3
	All cases								
Against the person and sexual offences	1	3	3	2	1		1	1	12
Against property	1	2	2		1	2			8
Liquor offences	1			1					2
Against administration of justice, drugs		1	1						2
Total	3	6	6	3	2	2	1	1	24

[1]Sentences for persons on probation comprise suspended sentence + probation, probation + fine, and institution + probation, ranging from 6-24 months.

In situations where a person is unable to abide by the order and is continually being charged for public drunkenness, each time constituting a breach of the order, the officer may seek an absolute discharge if he feels it is "pointless to keep the person on probation because he is at a greater disadvantage than if he were completely free."

Generally, neither the alcohol clinic, which ceased operations in early 1973, nor social workers has been able to resolve the problem of alcohol abuse. This has been attributed to a lack of interest or motivation for some who are looking for treatment that requires no effort on their part. Furthermore, alcohol abuse is regarded as a community problem, and many professionals involved in social service believe that it is futile to try to rehabilitate a family with a drinking problem while all the neighbours persist in excessive drinking. Only community action in this regard, a development which has materialized during the latter part of 1973 and 1974, will have any measurable effect in reducing the criminogenic and social consequences of the abuse of alcohol.

As we have mentioned previously, the social worker who is responsible for probation, also shares in the task of giving public assistance. In his opinion, this dual function weakens his effectiveness as a probation officer; his efforts to exert some control and foster a sense of responsibility in his clients are impeded by the difficulty he has in refusing their requests for food, or clothing or rent payments, etc. In consequence, he believes that some probationers have been unable to distinguish the officer from the "giver". His task is further complicated in instances where he has reason to suspect that the food or clothing vouchers are being squandered on alcohol obtained through exchanges and deals made with others in the community.

C. The effect of probation

In an evaluation of the services provided by the probation officer, one must distinguish between the demands made on the personal and those made on the material resources of the officer. Material assistance is the one usually sought since the delinquent group tends to have rather limited educational or vocational skills, making it somewhat difficult for them to secure employment. The service has aided many individuals in this respect. While the officer may have found a ready response to his intervention on behalf of the client where his material needs are concerned, his counselling or case-work methods directed toward fostering an approved pattern of behaviour in the probationer frequently make little or no impact.

The previous comments will come into focus during our subsequent analysis of the performance of all persons placed on probation for offences committed during 1972 and the presentation of three cases illustrating some of the types of clients and situations facing the probation officer.

Aside from the limited educational or vocational skills of offenders, the other major problem pertained to their indiscriminate use of alcohol. As mentioned previously, the probation officer's success in altering the pattern of its excessive use among his clients has been limited. For example, Table 38 shows that the majority of Inuit males and females were either charged with a breach of the probation order or convicted of a new offence, generally liquor-related, within three months of their placement on probation. Furthermore, while the majority of Inuit clients improved as a result of the services dispensed during the period of probation, at the end of this period their prognosis, based on their ability to refrain from the excessive use of alcohol, was generally considered doubtful or fair. In contrast, the limited number of non-Inuit offenders responded well to probation with no breaches or convictions among them and their prognosis upon termination was considered good.

The following three cases, selected from the total caseload, will give a further insight as to the types of client, their performance while on probation, and the effect of the attention they received from the probation service.

Case 1. The client, an Inuit male, aged 26, had been placed on probation for six months, having been convicted for supplying liquor to a minor. The probation service attempted to deal with his excessive use of alcohol and poor record of employment. Though the probation period was completed without incident, and the client's prognosis upon termination was regarded as fair, the services did not appear to have any measurable effect on the man who persisted in his excessive drinking and irregular pattern of employment. However, it was believed that the probationer had at least learned that he should not give liquor to minors.

Case 2. This involved an Inuit male, aged 19, convicted for breaking and entering, and who had been placed on probation for one year. Two of the conditions of the probation order, one that he abstain from the excessive use of alcohol, and the other that he maintain suitable employment, were indicative of the major problems confronting him. Though it was felt that he was responding favourably to the supervision and authority of the probation officer, within two months, his probation was terminated as a result of his conviction for again breaking and entering in search of liquor.

Case 3. The final illustration involved an Inuit female, aged 18, who had been placed on probation for six months on a conviction of having failed to appear in court. Alcohol and a sporadic work record were viewed as her major problems. While on probation, the girl did not respond to the efforts of the service to alter her drinking pattern or to motivate her to seek steady employment. Furthermore, upon the termination of her probation, it was anticipated that due to her indifference to the laws, police, and sentencing of the courts she would engage in renewed anti-social behaviour.

The limited success of the probation service in dealing with Inuit offenders, apparent in the persistence of their sporadic employment records (attributed to insufficient vocational or educational skills) and excessive use of alcohol, (during their adaptation to Euro-Canadian society and town life), has raised the question as to the appropriateness of the current techniques of resocialization predicated on southern case-work techniques. As to what will work in a cross-cultural setting such as exists in Frobisher Bay, it has been suggested that the answer lies in the use of available Inuit manpower and resources to fulfill the correctional needs of the community.

Several Inuit share the opinion of one Inuk who informed us that "Inuit should be hired as probation officers. Now *Kadlunat* is in the office all day, with Inuit having little or no understanding of English coming to see him." Accordingly, as an alternative to the present situation, several members in the community have suggested that Inuit should be selected to act as volunteer probation officers, supplementing the services provided by the present probation officer.

In addition to a territorial ordinance regarding the corrections services, permitting the appointment of a person as a volunteer probation officer, the recent Senate report on parole (Goldenberg 1974) has confirmed the need to employ and actively seek the participation of indigenous persons in all phases of the correctional process. To date, the establishment of a correctional centre in the community, staffed by and for Inuit, has been one move in this direction.

Table 38

Performance of Clients During Period of Probation, Resulting from Convictions[1] for Offences Committed During 1972, per Racial Group by Age and Sex, Frobisher Bay, NWT

Performance of client during period of probation		Age distribution for Eskimo males									Age distribution for Eskimo females				Age distribution for non-Eskimo males		
		16, 17	18, 19	20-24	25-29	30-34	35-39	40-44	50-59	Total	16, 17	18, 19	25-29	Total	20-24	30-34	Total
Client convicted on	Breach of Probation			2			1			3		1	1	2			
	New offence	1	2	1	1			1		6	2	1		3			
	Neither		1	1	1	1	1		1	6		1		1	2	1	3
	Total	1	3	4	2	1	2	1	1	15	2	3	1	6	2	1	3
If a breach or new offence was committed, it occurred within a period of time following placement on probation	Less than 1 month	1		3						4		1	1	2			
	1-3 months		1		1		1	1		4	2	1		3			
	4-5 months		1							1							
	Total	1	2	3	1		1	1		9	2	2	1	5			
Effect of probation on client	No improvement				1					1		1		1			
	Improved	1	2	3	1	1	1			9		1		1	2	1	3
	Not known		1	1			1	1	1	5	2	1	1	4			
	Total	1	3	4	2	1	2	1	1	15	2	3	1	6	2	1	3
Prognosis upon termination	Doubtful		1	1	1		1			4	1	2	1	4			
	Fair	1	1		1	1	1			5	1			1			
	Good		1	2						3		1		1	2	1	3
	Not known			1				1	1	3							
	Total	1	3	4	2	1	2	1	1	15	2	3	1	6	2	1	3

[1]Sentence for persons on probation comprise suspended sentence + probation, probation + fine, and institution + probation, ranging from 6-24 months.

Perhaps, in response to the need for utilizing the positive Inuit models available in the community, the probation service has recently selected one respected Inuk as a volunteer probation officer to supervise one particular Inuit client under the direction of the probation officer.

The R.C.M.P. Detachment jail
Prior to the establishment of the Baffin Correctional Centre in Frobisher Bay in April 1974, the majority of persons sentenced to jail terms not exceeding three to four months in the case of males, and not more than two to three weeks for females, would be housed in the local R.C.M.P. Detachment jail. Subject to the availability of transport, those who were sentenced to longer terms would be transferred to the Yellowknife Correctional Centre.

The local jail only serves as a short term detention centre. It does not have the physical set-up for any training program nor have the police responded favourably to dispositions involving day release or weekend sentences or encouraged the visiting of inmates.

However, the creation of the Baffin Correctional Centre has provided another option for incarceration, in addition to the local jail or the Yellowknife Correctional Centre.

Depending on his suitability for the Centre's program, a person may now be sent to serve his sentence at the Baffin Correctional Centre rather than the local jail. However, if the individual is not regarded as an appropriate candidate, he may be kept in the detachment jail or transferred to the Yellowknife Correctional Centre.

While the majority of offenders have been incarcerated in the local detachment jail, we will focus on the Yellowknife Correctional Centre, which prior to the creation of the Baffin Correctional Centre, housed the remaining number of persons given institutional sentences by the courts.

The Yellowknife Correctional Centre
Initially, adults sentenced by the courts to prison terms of not more than two years less a day, but exceeding the limit permitting them to serve their sentence in the local detachment jail in their own communities, were sent to the Yellowknife Correctional Institution, a medium security setting, accommodating both males and females, which was opened in February 1967. Those males who warranted a minimum security setting, with its increased vocational and social benefits, were subsequently sent from the institution to the nearby Yellowknife Correctional Camp. However, in August 1973, partially as a result of a move toward the decentralization of corrections to regional minimum security community-based correctional centres, and partially due to alleged policy clashes between the camp and institution as well as staff shortages, the decision was made to close the camp and incorporate its services in the institution known as the Yellowknife Correctional Centre or Y.C.C.

At present, the centre has a capacity for 70 male inmates with eight females housed in trailers beside the institution. During the period of our observation in February 1974, there were 67 inmates in the institution, including 12 Inuit from Frobisher Bay. The staff-inmate ratio ranged from 1 to 12 for the afternoon shift which concentrated on treatment, to 1 to 25 for the night shift whose main responsibility was custody of the inmates. However, as has been the case with the police and courts, there is a dearth of indigenous participation in corrections. Specifically, of a total of 53 persons on staff at the Y.C.C. in February 1974, only five were native, comprising two Cree, two Metis, and one female Inuit. The main reason cited for the near total absence of indigenous personnel has been attributed to the fact that since they may know several inmates personally, "they find it distasteful to have to enforce regulations on them".

Our subsequent discussion will focus on the Centre's approach to treatment, its limitations and effect, with particular reference to Inuit offenders from Frobisher Bay.

A. The approach to treatment and its limitations
As mentioned previously, while the major responsibility of the Y.C.C. has been the custody of the offender, its first objective has been his rehabilitation. During our brief two week observation of the Centre, we endeavoured to establish its approach to treatment and its limitations.

It is the consensus of several observers and institution staff that the Centre's rehabilitative program rests mainly in work release, which permits inmates who qualify to be gainfully employed in the community. Similarly, the cultural exchange program, another correctional extension scheme within the community enabling Indian and Inuit inmates to teach the aspects of their own culture to students in Yellowknife, has met with a positive reaction from all those involved. It is believed that the latter program, in particular, has contributed to restoring some measure of self-esteem among the indigenous persons who have participated. Interestingly, with regard to the cultural exchange program in the schools, some of the young Inuit have approached the older Inuit for direction and for further insight into the values of their traditional culture.

In addition to the Centre's work release, vocational and educational programs, several others have been designed. But the turnover in personnel, as well as policy changes and renovations in the institution have been cited as the main factors impeding the continuity of these programs.

One major approach to treatment, more on an informal level, has been individual counselling, a continuous process carried out by all the staff. However, in the opinion of one staff member, this process is subject to the correctional priorities of the institution at any given time. Thus he felt there had been occasions at the centre where "there was little therapy when the correctional workers have been more custody or administrative orientated."

As a result of renovations to the institution, group counselling sessions, generally held one hour a week, were discontinued in August 1973 and had not been renewed by the time of our observation during the winter of 1974. However, it was the opinion of one staff member that these sessions, usually involving 10 volunteers, were of little value. He attributed this to a lack of structure and perhaps to the application of southern oriented therapeutic or clinical techniques that fail to reach the indigenous inmates. Furthermore, several members felt that one of the problems in their approach to treatment was their inability to create situations of sufficient stress to force inmates to learn to deal with problems that may occur on the outside.

It is the consensus of several observers and staff members that a psychiatrist and treatment facilities are required in Yellowknife. At the present time, the centre is obliged to send an inmate to a southern institution in situations where consultation is required for diagnosis and approach to treatment. However, it is felt that these southern services generally offer little more than a confirmation of the diagnosis, with limited suggestions as to a concrete treatment plan. Furthermore, periodic short term visits to the community by consulting psychiatrists are regarded as inadequate.

In view of the problem of alcohol among the majority of inmates and its criminogenic role in their offences, members from the community chapter of Alcoholic Anonymous chair regular meetings with interested inmates. However, doubts have been expressed as to the effectiveness of this program. Some indigenous inmates, particularly Inuit, as a result of their lack of fluency in English and unfamiliarity with the treatment concepts, fail to benefit from the meetings. Others attend the sessions solely for the purpose of impressing the staff with their sincerity in confronting their alcohol problem, hoping thus to attain early release. Nonetheless, during our visit, a more viable program was being established whereby interested inmates were invited to participate and assist in the services provided by the newly created detoxification centre in the community.

We will now discuss several factors limiting the effective rehabilitation of offenders. First, while some correctional personnel believe that the intensity of the treatment, and not the length of sentence, is the determining variable in rehabilitation, several have acknowledged that treatment during short term sentences to the Y.C.C. may be of little value when dealing with indigenous persons, particularly Inuit, where a lack of fluency in English impedes effective communication between the inmate and the white staff.

Another major problem has been that institution staff is obliged to apply a given treatment program to a heterogenous inmate population varying sharply in age and recidivism. In view of the absence of adequate correctional facilities in the Territories, offenders between the ages of 16 and 19 as well as first offenders are mixed with the general inmate population of the Centre. While the segregation of younger as well as first offenders would control the negative influence of older offenders and recidivists, and enhance the likelihood of successful rehabilitation, hitherto, the problem in the Northwest Territories has been that there have not been enough inmates to justify the creation of various types of institutions.

Nonetheless, much concern has been expressed regarding this current state of affairs and the need for alternative measures. For example, one of the resolutions to come out of the Annual J.P. Conference held in Yellowknife in April 1974 called for the establishment of facilities apart from the Y.C.C. and a program of assistance designed for young offenders between 16 and 20 years of age, preferably on a regional level.

In addition to the difficulties posed by language and the mixture of various types of offenders, a major problem in rehabilitation lies in being able to continue the treatment process beyond the centre and into the home community. It is the consensus of many observers and correctional personnel that after-care programs in the Territories are deficient and need to be more fully developed along with community participation in this area.

B. The effect of its program

We will next endeavour to assess the effect of the Centre's program with particular reference to Inuit offenders from the Eastern Arctic, the majority being from Frobisher Bay. The significance of this becomes apparent in a study prepared by McReynolds (1972) establishing that over the period from 1967 to 1971, the Frobisher Bay region has shown the largest increase of inmates to the Y.C.C. of any region in the Northwest Territories.

It is the opinion of several staff members that while Inuit inmates adapt well to the institution in terms of its routine and are reliable as well as cooperative, rarely posing any management or discipline problems, doubts have been expressed as to whether the program has had much value insofar as their rehabilitation is concerned.

Discussions with staff and inmates, supported by observations, have confirmed that Inuit inmates ignore the program except for attendance at compulsory activities and the observance of basic rules, and tend to associate only with others from the Eastern Arctic, the stone-carving room being the focal point of their activities and interaction. As a result, several Inuit in Frobisher Bay have expressed their dissatisfaction regarding the value of the Centre's program which they view as exploitation of the carving abilities of Inuit inmates and lacking any counselling by an Inuit staff. Furthermore, one Inuit inmate confirmed that since there is no Inuit staff, occasionally an Inuit inmate will pretend that he has little knowledge of English to further avoid active participation in the program.

In addition to the criticism of Inuit and other inmates about the limited program, the absence of Inuit staff, and loneliness due to their removal from their community to a remote institution precluding any visits from relatives and friends, several felt that they learned bad habits from some of the more sophisticated inmates. As one inmate informed us "you learn how to do certain things and how not to get caught."

While some have had difficulty adjusting to the rules and regulations of the institution, one Inuit inmate felt that they were not really that difficult to tolerate and regarded them as less severe than those he had experienced in a hostel residence. Several inmates and observers believe that the extensive recreational facilities and material comforts of the institution, often surpassing those of their home communities, have generally nullified the deterrent effect of their incarceration at the centre. Furthermore, one Inuk remarked, "being here doesn't change you or make you avoid situations that might result in coming back." This view was shared by other inmates.

Several observers in Frobisher Bay believed that the Centre's program had accomplished little more than benefiting the community by removing the offender from society for a time. However, while the program may be considered to have had a negligible effect in terms of the rehabilitation of the offender, some social workers in the community felt that for some offenders their incarceration had a maturing or mellowing effect resulting in some improvement in their behaviour upon their return to Frobisher Bay. Similarly, it was the opinion of one social worker that

Table 39

Persons Sentenced to the Yellowknife Correctional Centre, Resulting from Convictions[1] for Offences Committed During 1972, by Offence Type per Racial Group, by Age and Sex, Frobisher Bay, NWT

Offence type	Age distribution per racial group by sex						Total
	19	20-24	25-29	35-39	40-44	45-59	
				Eskimo males			
Against the person and sexual offences		3	1	1	1	2	8
Against property		1	1				2
Liquor offences		1	1				2
Total		5	3	1	1	2	12
				Eskimo females			
Against the person	1	1					2
Total	1	1					2
				Non-Eskimo males			
Against the administration of justice		1					1
Total		1					1
				All cases			
Against the person and sexual offences	1	4	1	1	1	2	10
Against property		1	1				2
Liquor/administration of justice		2	1				3
Total	1	7	3	1	1	2	15

[1]Sentences for persons to the Yellowknife Correctional Centre comprise institution or institution plus probation, ranging from 1-36 months.

Table 40

Number of Previous Admissions and Performance of Inmates During the Period of Incarceration at the Yellowknife Correctional Centre, Resulting from Convictions[1] for Offences Committed During 1972, per Racial Group by Age and Sex, Frobisher Bay, NWT

Number of previous admissions and performance of inmate during period of incarceration		Age distribution for Eskimo males						Age distribution for Eskimo females			Age distribution for non-Eskimo males	
		20-24	25-29	35-39	40-44	45-59	Total	19	20-24	Total	20-24	Total
Number of previous admissions	— none	1		1	1	1	4	1		1	1	1
	— 1	1	2			1	4					
	— 2	1					1					
	— 3	2	1				3					
	— 4								1	1		
	— total	5	3	1	1	2	12	1	1	2	1	1
Effect of YCC program on inmate	— no improvement	2	1				3					
	— improved	2	2		1		5	1	1	2	1	1
	— not known	1		1		2	4					
	— total	5	3	1	1	2	12	1	1	2	1	1
Prognosis upon release	— doubtful		1				1					
	— fair	4	1				5	1	1	2		
	— good		1		1		2				1	1
	— not known	1		1		2	4					
	— total	5	3	1	1	2	12	1	1	2	1	1

[1]Sentences for persons to the Yellowknife Correctional Centre comprise institution or institution plus probation, ranging from 1-36 months.

certain offenders who lacked a stable family relationship, permanent residence or vocational skills and were subject to varying levels of ostracism as a result of their repeated anti-social behaviour, were more comfortable in an institutional setting. Here their work habits improved, and because of this, they were able to achieve some measure of satisfaction.

Regarding persons sentenced to the Y.C.C. resulting from convictions for offences committed in Frobisher Bay during 1972, Table 39 shows that of a total of 15 persons, 10 were found guilty of crimes against the person and sexual offences, with the major portion of offences committed by persons between the ages of 20 and 29 years of age. The distribution per racial group by sex revealed that 14 were Inuit, representing 12 males and two females, with one non-Inuit male. While the distribution of Inuit males by offence type and age corresponded to the trend for all cases, the two Inuit females, in the 19 to 24 year category, were convicted for offences against the person, with one non-Inuit male, in the 20 to 24 age bracket, involved in an offence against the administration of justice. Despite the small number of cases, we believe that these statistics show that the majority of those sentenced to the Y.C.C. for offences committed in Frobisher Bay are Inuit males between the ages of 20 to 29, found guilty for crimes against the person and sexual offences.

With respect to the number of previous admissions of persons sentenced to the Y.C.C. for offences committed in Frobisher Bay during 1972 per racial group by sex, Table 40 shows that the majority of Inuit males had at least one previous admission with the number of Inuit females and non-Inuit males too limited for purposes of analysis. Regarding the effect of the centre's program on the inmates, while the major portion of Inuit males and the two Inuit females showed some improvement, the general consensus of the staff on their prognosis upon release was fair. We would like to note that the number of inmates in the unknown category comprise those whose sentence had not been completed at the time of our observation.

We now present two brief accounts of persons sentenced to the Yellowknife Correctional Centre.

Case 1. This involved an Inuit male, aged 24, with two previous admissions to the Centre, found guilty of a property offence and sentenced to four months. During his incarceration he was regarded by staff as a cooperative person with excellent work habits, but who tended to restrict his association to other Inuit from the Eastern Arctic. Despite his satisfactory performance on work release, and his having received individual counselling, the staff felt that there had been no measurable improvement over his previous admissions and regarded his prognosis as only fair because he had made no efforts to deal with his major problem — alcohol.

Case 2. An Inuit male, aged 40, with no previous admissions, had been incarcerated for one year on conviction of a charge of assault causing bodily harm. This man, who had a drinking problem, received individual as well as group counselling and was out on work release. He was regarded as a cooperative person with good work habits though he did not interact with any other inmates except his fellow Inuit from the Eastern Arctic. While it was believed that he had improved during his incarceration and the prognosis upon his release was good, it would be difficult to judge the effect of the program since he had a limited knowledge of English.

While there are indications that the program at the Centre has been inappropriate and limited in terms of the successful rehabilitation of indigenous offenders, McReynolds (1972) has noted that the failure rate of the Centre is 39.9 percent with 41.0 percent for offenders from Frobisher Bay, which is generally lower than the rate for southern institutions.

During our discussions with staff at the Centre, we endeavoured to find out what factors, in their experience, reduced the probability of a former inmate's return to the institution on conviction for another offence. Regarding males, several staff members felt that a person's return to a more isolated area or community, particularly one that would accept the former inmate as a person rather than a criminal, family support, and employment opportunities were the major determinants to an individual's succesful rehabilitation. For females, one matron believed that marriage, education, and a personable social worker or someone in the community who cares appear to be the predominant factors that arrest the cycle of anti-social behaviour, and therefore re-admission to the centre.

In view of the limitations of the program offered at the Y.C.C. for indigenous offenders, their dislocation from their home communities, (particularly the disorientation suffered by Inuit offenders from the Eastern Arctic), as well as the increase in inmates from the Frobisher Bay region, a decision was taken to decentralize institutional services commencing with the opening of a regional correctional centre situated in Frobisher Bay. As a result, regional community-based correctional facilities have now been established in Frobisher Bay and Hay River, and one is planned for Inuvik, all in proximity to the offenders' home communities; the Y.C.C. will be used for those serving longer sentences, as well as those over two years plus a day or penitentiary sentences. Regarding the latter point, an ordinance pertaining to correctional services, passed in 1973, authorizes the Y.C.C., by individual agreement, to retain offenders, subject to their suitability for the program, whose sentence previously warranted their incarceration in a penitentiary outside the Territories.

With the opening of the Baffin Correctional Centre in Frobisher Bay on April 15th, 1974, several Inuit serving their sentences at the Y.C.C. were transferred to the regional centre in Frobisher. Although the Centre in Frobisher Bay has been in operation for only a short time, we will describe its innovative approach in dealing with Inuit offenders.

The Baffin Correctional Centre — Ikajurtauvik

Prior to the opening of the Baffin Correctional Centre on April 15th, 1974, the options open to the courts with regard to institutions were limited to the local detachment jail or the Yellowknife Correctional Centre. However, while we have touched on some of the factors behind the decentralization of corrections into regional centres, the reasons for the creation of such a facility in Frobisher Bay, apart from the availability of all the required services in that community, stemmed from the fact that the majority of inmates from the Eastern Arctic incarcerated in the Y.C.C. were from Frobisher Bay, and it was a means of reducing the cost of transport to Yellowknife as well as the cost of maintaining a prisoner in that institution.

It is interesting to note that there are several individuals in the community who believe that while the decentralization of corrections has been an appropriate decision, better use could have been made of the available resources in Frobisher through increased innovative community programs and a smaller centre, if any at all.

There was some resistance at first to the location of the centre in Frobisher Bay on the part of a number of residents who believed that the reputation of the community would suffer if it were established in the area, and that it would be better to isolate these offenders in another community, such as Coral Harbour. However, the Department of Social Development held to its conviction that the centre should be situated where the majority of the offenders lived and in a community where adequate resources existed. Some of the agents of socio-legal control were also concerned about the fact that inmates, as a result of correctional extension programs or passes, would be permitted to circulate unsupervised throughout the community. While non-Inuit tended to be more hesitant than Inuit in their acceptance of inmate participation

in the socio-economic life of the community, in general, resistance toward the centre declined as people became more fully aware of its program and objectives.

Structurally, this open community-based institution, devoid of any physical security features, and built of five portable classrooms from the old Sir Martin Frobisher School, was established on a site south of the hospital, within ready access to the community. Initially, it was proposed that the centre be located on the outskirts of town, a distance away from the community, This suggestion was rejected, as well as the idea of hooking all the buildings together, since it was felt that this would make the centre too conspicious and not blend in with the community as it does now.

Aside from the three buildings that serve as the office, recreation centre and dining hall, two buildings have been joined together to serve as living quarters. These quarters comprise two dormitories, each housing four persons, plus seven single rooms in the other wing. Initially, the centre planned to limit its capacity to 15 persons, but if required, it can accommodate 20. During the first five months of the Centre's operations, approximately 60 percent of the inmates were placed there by the courts while 40 percent were transfers from the Yellowknife Correctional Centre.

The Baffin Correctional Centre is unique in that it is the only centre in the Northwest Territories staffed mainly by Inuit and which spearheads a program especially designed for Inuit offenders. This is very much in line with the Goldenberg's (1974) recommendation that emphasized the participation of indigenous persons in the correctional process through the establishment of community based correctional centres, staffed by indigenous persons and designed for indigenous offenders.

Of a total of 12 staff members, all are Inuit except for the superintendent and his secretary. In contrast to the recruiting problems encountered by the police, judiciary and other institutions, the centre has been able to attract Inuit to participate in this innovative correctional program. Inuit hired as staff, comprising hunters, several acknowledged leaders, a few with social work and police experience, and including some who have experienced incarceration themselves, were drawn to a program that relied on their skills and values as Inuit for the rehabilitation of fellow Inuit rather than on their academic qualifications or ability to enforce the centre's rules and regulations.

The following is a description of the centre's approach to treatment and the reaction to its program.

A. The approach to treatment

Before we discuss the centre's approach to treatment, we would like to focus on the classification process for persons admitted to the centre. First we would like to point out that while a classification committee has been proposed, comprising members of the police, courts, corrections, community, and the person involved and his family, to decide on the appropriate institutional facility for the individual, it has yet to be established.

At present, the classification process involves two phases. On notification of a person's sentence by the courts to the detachment jail, staff and inmates, referred to as members in order to reduce the social distance between the personnel and the prisoners, meet informally to openly discuss the person's suitability for the centre's program. The first phase begins with an informal assessment by the superintendent in discussion with the probation officer and police as to the person's record, risk factors and his general qualification for the program. Secondly, there is an informal evaluation among Inuit staff and members, as well as a staff member's discussion with the candidate in the detachment jail. On completion of these two phases, a consensus is reached among the superintendent, staff and members during a joint meeting.

To our knowledge, until September 1974, all persons sentenced by the courts to the R.C.M.P. detachment jail have been found suitable and admitted to the program. The main criteria for admission are that the program be able to help the person and that he be sufficiently motivated to benefit from it. Furthermore, there must be assurances that the person is capable of behaving in the open environment of the centre and poses no danger to himself or the community.

While the program has been designed for Inuit offenders, in December 1974, one non-Inuit offender was accepted into the program. However, this individual, a long time resident in Frobisher Bay and married to an Inuk, was taken in as an exception. In view of its orientation for Inuit offenders, non-Inuit offenders, especially transients, will not as a rule be admitted to the program.

The program at the centre is unique in that it is specifically designed for the rehabilitation of Inuit offenders and their successful re-entry into the community of Frobisher Bay by motivating them to emulate the positive Inuit models in the community. These Inuit models, while engaged in wage labour, are regarded by the community as good hunters and acknowledged for their traditional values and abilities on the land, not primarily for their occupational skills. Accordingly, Britton (1973) has stated that the program endeavours to help the member to derive "his identity and self-esteem from his traditional abilities" through his association "with staff members who are models of this life style" (p. 2). Hence the centre, entitled, *Ikajurtauvik, Inuktitut* for "a place

to get help", is geared for those Inuit who, casualties of the interface of Inuit and Euro-Canadian cultures, are characterized by their limited educational or vocational training, inadequate housing, unstable family relationships, sporadic record of employment, and "undeveloped knowledge of the Inuit traditional masculine role and its requisite skills" (Britton, 1973, p. 1).

Upon his admission to one of the dormitories, a member proceeds through a series of stages within the program. His movement through the program is determined by his motivation or willingness to learn, as well as through assessments of his performance made by staff and fellow members. At the beginning he is a *natii* or a person who needs to be taught, at which stage there is a great emphasis on his participation in the Outward Bound or hunting program. During this initial phase, staff endeavours to teach the member the basic traditional skills essential to life on the land, through which the member is able to derive some satisfaction or self-esteem as an Inuk. When he has shown some progress in learning and acquiring an Inuit identity, he becomes an *eetuk* or someone who has made progress. At this stage his responsibilities as well as privileges are increased, including his promotion to a single room. On completion of his stay, he becomes an *oiyuna* or a person who has had a full life. These individuals are the graduates of the program and every effort is made to encourage their continued association with the centre as either staff members, which has occurred, or contributing to the program as volunteers.

While the Outward Bound or on the land program is a major part of a member's rehabilitation, every member is placed to work, or as a trainee, in the community to develop his occupational skills, at which time he is also made aware of his responsibilities since those gainfully employed are expected to pay for their room and board. Generally, members are highly regarded by employers for their reliability, ensured by their residence at the centre, and the majority of members have jobs prior to their release which continue on their re-entry into the community.

In addition to the social and recreational activities within the centre or the community, as part of the evening program, they attend weekly meetings on alcohol abuse, as well as regularly structured "theme" meetings that focus on their further understanding of the law, etc. While members are not permitted to drink, one physician at the local hospital suggested that there might be some benefits in teaching people how to drink in moderation as part of the correctional program.

The program also encourages the involvement of the members' families, particularly in the case of the younger ones in the treatment process. For example, relatives are welcome to become involved in the hunting program and every effort is made to resolve the often estranged relationships between members and their parents or kin.

In the event that the rules of the centre are broken, staff and members meet as a group to decide on the appropriate course of action. Generally, peer group pressure and threat of removal from the program to the detachment jail or the Y.C.C. are sufficient to maintain order and proper behaviour. Occasionally problems have arisen when a member out on a pass in the community has become intoxicated and/or involved in some incident. However, while this has been difficult to control, of the several hundred passes given out, very few have resulted in incidents, and these only when the individual succumbed to peer group pressure to drink with his friends.

One of the problems regarding discipline in the centre is attributed to the fact that while the Inuit staff, the majority from Frobisher Bay, are able to maintain order and be a positive influence or relate effectively with members from the community, occasionally they have not been able to reach several of the members who come from an alien milieu, such as Cape Dorset, when involved in some incident in the community while out on a pass. Accordingly, a decision was taken to control the allocation of passes where all new members are now required to earn their Sunday passes. Also, it is felt that since the second major group of offenders comes from Cape Dorset, a community based correctional centre, staffed by Dorset Inuit, will be required in that community.

By September 1974, approximately eight persons had completed the program at the centre. A major effort has been made to involve these individuals in the ongoing activities of the program. One has been hired as a staff member and several others are actively involved in the development of after-care services such as the proposed half-way house which is to be operated by ex-members. Furthermore, as a result of support from the local manpower office, there is a good possibility that the latter facility will become a workshop, providing employment and training for former members.

To date, the centre has fulfilled one of its objectives which was to familiarize the community with the problems of offenders and the administration of criminal justice, as well as stimulate community support of its program. Though it is too early to judge the effectiveness of this program on Inuit offenders and those who would be most likely to benefit from it, the centre has succeeded in creating a nucleus of former members willing to volunteer their time, energy, and ideas to upgrading, as well as expanding, the correctional needs within the community.

B. Reaction to the program

Discussions with members at the centre revealed that the program offered many more advantages than they had during their incarceration at the Y.C.C., in terms of employment opportunities, participation in the hunting program, continuing ties with their family and friends in the community, and dealing with Inuit staff. The fact that the centre is indeed viewed as a place to get help and that the responsibility for acceptable behaviour lies with the member is revealed in the following comments by one of the members.

I feel that the staff understand us and are here to help us and be our friends. They will also help you when you get out.
While I know that the program will help me stay out of trouble, I realize that if I disobey the rules I will probably go back to jail or to Yellowknife.

During our fieldwork, we endeavoured to ascertain community reaction toward the centre. However, we must qualify our subsequent remarks in this regard by stating that they only represent impressions about the centre at the beginnings of its operations.

In general, we were unable to discern any misgivings about the program among the Inuit community. While not all were fully informed about the program, many of those to whom we spoke felt that its approach would show members how the local Inuit community lives. This was reflected in the remark of one Inuk who felt that members would have "a chance to see that a good life can be had in Frobisher Bay where Inuit can be happy, have friends and enjoy life more." Furthermore, it was felt that with the predominance of Inuit staff at the centre, Inuit would feel that their participation in the correctional program was greater.

Our discussions with non-Inuit revealed that while the majority supported the philosophy behind this experimental program, they had several reservations about particular aspects of its operations. Their major concerns were whether it could carry out proper discipline and the absence of any punitive or deterrent features within the program. The emphasis on their hunting program was considered by some as rewarding the offender, who may have yearned to participate in this activity but had limited opportunity to do so prior to his incarceration. In addition, several were concerned that the positive effect of the program would not carry over upon the individual's discharge from the centre. However, it is anticipated that the development of after-care services, such as the half-way house being planned by several former members, will alleviate many of the problems involved in the transition of members from the institution to the community.

While the centre has been in operation for too limited a time for us to conduct an in-depth evaluation, there are several people, both Inuit and non-Inuit, who feel that the program will not be given sufficient time to reach its full potential because there are some who do not understand or agree with the program and who may have the power to modify or change its innovative approach. Furthermore, there is some apprehension among a number of people that the program may become just another 'northern failure' if the resource people behind its development are transferred or leave the community. As one Inuk informed us, "Inuit have had no experience during their history in how to operate a correctional centre and are not prepared to take over its operation by themselves."

However, we hope that *Ikajurtauvik* will not be abandoned without a full opportunity to prove itself as an innovative and viable approach for the treatment of Inuit in the correctional process, since, in our opinion, no other program exists in the Territories which is staffed mainly by Inuit or is primarily designed for the resocialization of Inuit, or effective in soliciting the active support and participation of the community in its activities.

Parole and after-care

Within the Northwest Territories, the Corrections Ordinance provides for a Territorial Parole Board which has jurisdiction over the parole applications of those serving sentences in violation of a territorial ordinance. Generally, a probation officer from the Department of Social Development has been appointed as parole supervisor of territorial parolees as well as assisting the representative of the National Parole Service for the Northwest Territories, based in Edmonton; he conducts community investigations pertaining to parole applicants under federal jurisdiction and supervises those who have been granted parole by the National Parole Board. However, as we have mentioned earlier, the Territorial Government was concerned about the validity of decisions on the parole applications of northerners being made by a distant and southern orientated parole board. In its presentation before the Federal-Provincial Conference on Corrections held in Ottawa, December 1973, it indicated its desire for increased responsibility for the Territorial Parole Board enabling it to grant paroles to all offenders serving sentences under its jurisdiction.

In Frobisher Bay, as throughout the Northwest Territories, there are very few parolees since the majority of sentences are not long enough to establish a person's eligibility for conditional release. While we do not plan to examine the matter of parole in any great detail, it is our impression that in terms of treatment, limitations, and effects, it corresponds to our discussion on probation.

However, we would like to point out that the Inuit Tapirisat delegation to the National Conference On Native Peoples And The Criminal Justice System, during February 1975, expressed its concern about the limitations of probation and parole services for Inuit that are administered by non-Inuit, due to the latter's lack of the Inuit language and cultural orientation, and advocated the engagement of Inuit, without the required 'paper' qualifications, as full time probation and parole officers.

After-care services or assistance made available to persons released from prison, parole, and probation in the Northwest Territories are almost non-existent and a matter of concern to all those involved in the administration of criminal justice. While the corrections service has gradually developed its institutional resources in Yellowknife and has become decentralized with several community-based regional correctional centres, few programs have been established that would ensure the continuance of the rehabilitation process begun in the institution. Accordingly, one of the recommendations of the Inuit workshop at the National Conference on Native Peoples And The Criminal Justice System, during February 1975, was the creation of a half-way house for each regional correctional centre established.

However, as we have mentioned earlier, there are already indications that the staff and former members of the new Baffin Correctional Centre in Frobisher Bay are combining their efforts toward the development of an after-care program including a half-way house to bridge the inmate's transition from the institution to the community.

Conclusion

We began our study of Inuit and the administration of criminal justice with a description of the traditional system of social control in Inuit society. This served as a prelude to our subsequent chronicle of law and the growth of the formal agencies of social control in the Northwest Territories such as the R.C.M.P., the courts and related services, and corrections, to ascertain the direction of their growth and to what extent their teaching role has succeeded in enlightening Inuit about the law and the criminal justice system. The object of our historical account of the development of socio-legal structures in the Northwest Territories and our examination of some of the strains of adaptation encountered by aboriginal people, particularly Inuit, in terms of these new structures and accelerated change, was to establish a frame of reference for our contemporary analysis of the Eastern Arctic community of Frobisher Bay. Toward this end, our socio-legal analysis of Frobisher Bay, conducted over a two year period, focused on the functioning of the criminal justice system in that community, but significantly on the decision-making process and its impact on the Inuit population in terms of level of comprehension, acceptance, confidence in and impressions of the overall structure of formal control.

The major emphasis of our qualitative research on crime and socio-legal control in Frobisher Bay has been to ascertain the extent of the Inuit's understanding of the concepts and mechanisms inherent in our Canadian law and formal agencies of socio-legal control; the level of their participation in the administration of criminal justice; the current state of programs for the resocialization of Inuit offenders; the continuity within the overall system of criminal justice to ensure the protection of society, the offender, and ultimately, his or her resocialization, as well as the degree of Inuit input into the planning and improvement of these services. On the basis of our findings in Frobisher Bay, we will now discuss these issues.

Regarding Inuit and the extent of their understanding of law, legal concepts, procedures, and orders, as well as of the formal agencies of socio-legal control, we examined the police and judiciary in the Northwest Territories, along with the introduction of codified law, to determine the relative success of the tutelage of indigenous people in an unfamiliar legal system. According to the new norms and sanctions, some actions, while acceptable within the traditional context of Inuit reaction patterns to normative or interpersonal conflict, were redefined as illegal or criminal. Furthermore, in consideration of the transition of Inuit to our system of Canadian law, we found that the Magistrate's and Supreme courts have made a special effort to bridge the gap between the traditional and modern law ways through a less rigid application of the rules of procedures and principles of sentencing during their deliberations on legal proceedings involving indigenous people.

Despite the various efforts of the agents of socio-legal control in the legal instruction of Inuit, the findings of our research in Frobisher Bay indicate that while the majority of Inuit have a rudimentary knowledge of the law, we believe that their tutelage in this regard is not yet complete. Inuit in Frobisher Bay, as well as throughout the Territories, are still very dependent on whites and white-dominated agencies to interpret the law.

There are several factors which have contributed to this state of affairs. Significantly, their understanding has been impeded by a neglect to adequately communicate the rationale, development, functioning, responsibilities, and penalties inherent in our Canadian law. Furthermore, there are difficulties in understanding, due to a lack of fluency in English, compounded by the fact that the laws and sanctions within our Criminal Code, federal statutes and Territorial ordinances have yet to be translated into *Inuktitut.*

However, regarding the evident difficulties encountered by Inuit and other indigenous groups in understanding the law, if we were to control the racial variable, it would still be considerable, but it is our impression that many similar problems are experienced by whites residing in the under-privileged areas of urban centers throughout Canada. Like many Inuit, it would seem that those in the lower socio-economic strata of society have a misconception and ignorance of the law.

Apart from the ongoing formal and informal efforts of the socio-legal agencies to fill the information gap among indigenous people concerning the law, several other steps have been taken toward an improvement

in the legal instruction of Inuit. For example, the circulation of the publication *Justice in the North* (1972), in *Inuktitut* as well as English, explaining the law and function of the administration of justice, the plans of the Inuit Tapirisat of Canada to circulate a more extensive but similar publication in *Inuktitut* on *Inuit and the law,* and the bilingual weekly paper, the *Inukshuk,* in Frobisher Bay, through its informative articles on the function of the law and the administration of justice are all contributing to further the understanding of Inuit in this area. In addition, Inuit delegates from the Eastern Arctic, attending the National Conference On Native Peoples And The Criminal Justice System, held in Edmonton, Alberta, from February 3rd to the 5th, 1975, recommended that all laws should be translated into *Inuktitut.*

Elsewhere, the recent availability of professionally trained interpreters for police and court duty has further ensured the adequate translation and interpretation of abstract legal terms and concepts into the various indigenous dialects. Finally, the quality of the administration of criminal justice in the Northwest Territories has improved as a result of the establishment of a legal aid program in 1971, and a community legal service center has been proposed for Frobisher Bay. In addition to providing assistance in legal matters, particularly to those appearing before the local Justice of the Peace Court, the centre would be significantly involved in the legal instruction of Inuit as well as in legislative reform, the training of paralegal or court workers, and the development of a body of written law.

From the findings of our research, we also ascertained some of the difficulties encountered by Inuit in their adaptation to the intervention of the formalized agencies of social control in their activities, as well as some of the misunderstanding and apprehension that arise, often associated with a lack of comprehension of Canadian law ways, the function of the judicial and related services, and the authority, policies and gradual increase of the enforcement role of the R.C.M.P. in the North.

As a result of the increased dissemination of information about the law, however, Inuit are becoming more aware of the function of the agencies of socio-legal control. Instrumental in this process have been the increasing efforts toward improving police-community relations. Toward this end, the Force has approved the position of a liaison officer for the North who will travel throughout the Territories in order to meet formally and informally with the settlement councils, indigenous groups, and general public to assess their opinion concerning the present state of law enforcement within the community.

While recent events in Frobisher Bay have prompted some collective response within the community, particularly with regard to the problems of alcohol abuse, and with an increased concentration of police personnel which has enabled members to devote more time to community relations, Inuit have requested further action on the part of the police in this area. Moreover, at the Edmonton Conference on Native Peoples And The Criminal Justice System, the Eastern Arctic delegates recommended that one liaison officer be attached to the Eastern Arctic Sub-Division, and that members of the force be better informed about Inuit and their culture through means such as a compulsory cultural orientation course for all R.C.M.P. members transferred to northern postings, etc.

Related to the Inuit's limited understanding of the law and function of the formal agencies of socio-legal control, our socio-legal analysis revealed a general lack of Inuit participation or involvement in the tasks of these agencies. One step toward stimulating a greater participation of Inuit in the administration of criminal justice, rather than being merely subject to this structure, has been to fill the gaps in their information about the law and function of the control agencies.

However, with respect to recent events in Frobisher Bay, it is our impression that Inuit, who have been forced to relinquish the major responsibility for the control and resocialization of troublemakers or offenders to the formalized white-dominated agencies of control, are presently expressing some doubts as to whether these structures can deter or treat the anti-social behaviour of Inuit offenders or ensure the adequate protection of possible victims or members of the community.

In more concrete terms, there are indications that the recruitment of special constables will become easier as a result of the fact that more Inuit in the community are speaking out against crime, and are also in favour of engaging Inuit rather than whites to police the community, act as Justices of the Peace, legal aid field representatives, and agents of resocialization. Specifically, Eastern Arctic Inuit, attending the recent Edmonton conference on the criminal justice system recommended one Inuit special constable for every 500 Inuit residents, that one Inuit and one white Justice of the Peace sit together on the bench to adjudicate cases appearing before that court, and increased training of indigenous persons in these positions immediately upon engagement.

During our research we endeavoured to examine the existing programs and services in the Northwest Territories and Frobisher Bay for the resocialization of Inuit offenders. On the basis of our findings, the limited success of the correction services, such as probation, parole and institutional programs, in dealing with Inuit offenders has raised the question as to the appropriateness of the current methods of resocialization predicated on southern-oriented social work

concepts and techniques, particularly in dealing with those whose facility in English is very limited. Concern about the limitations of these services for Inuit as administered by non-Inuit, and especially about the latter's lack of knowledge of the Inuit language and cultural orientation, was also voiced by Inuit delegates at the recent conference in Edmonton.

In view of the limited program at the Yellowknife Correctional Centre, absence of Inuit staff, loneliness due to their removal from the community, precluding any visits from relatives or friends, and the negative effect of incarceration, serious doubts have been expressed as to its ability to rehabilitate Inuit or other indigenous offenders. In addition to the difficulties posed by language and the mixing of various types of offenders in this institution, a major problem in rehabilitation lies in continuing the treatment process beyond the Centre and into the home community. Unfortunately, the present aftercare programs in the Northwest Territories are inadequate.

In reaction to the doubts expressed by concerned Inuit and white residents in Frobisher Bay as to whether the existing socio-legal services can effectively deter or treat the anti-social behaviour of Inuit offenders, support has been shown for the increasing use of available Inuit manpower and resources to fulfill the correctional needs in the community. Specifically, the value of incorporating the positive models and elements in the Inuit culture into a program of resocialization for Inuit offenders has been recognized.

During our discussion of the emergence of new patterns in crime, it became evident that the majority of incidents coming to the attention of the agencies of socio-legal control revealed excessive and hazardous patterns of drinking among Inuit as a pre-condition to the initiation of or participation in criminal behaviour. In consequence, beginning with a growing consciousness on the part of the community concerning the criminogenic role of the abuse of alcohol, community action, in the form of various groups or committees, has emerged to contribute to the expansion or innovation of alternative, Inuit oriented approaches to the already existing alcohol education, recreational, and socio-legal programs. Some of these community efforts are the recent creation of a non-liquor, Inuit-oriented recreational facility known as the Kativik Community Hall; referrals of problem drinkers to the alcohol education committee, as well as plans by this committee to establish an alcohol information centre to promote community awareness of the problems of alcohol to tie in with a detoxification centre; and the establishment of a juvenile court committee, (also a possible alternative in dealing with adults), through community decision-making as an alternative to official action by the Department of Social Development.

Toward increasing Inuit orientation and input in correctional programs, Eastern Arctic delegates, attending the Edmonton conference on Native Peoples And The Criminal Justice System, recommended the appointment of full time Inuit probation and parole officers, Inuit representation on the Territorial Parole Board, which should also include territorial jurisdiction over northern parolees presently under the National Parole Service, and the creation of parole committees in each community where a regional correctional centre is situated.

In an effort to establish a more viable program for the resocialization of indigenous offenders, the Territorial Government has moved toward the decentralization of corrections into several regional community-based correctional facilities. The guiding principles behind the first example of such a community-based centre, *Ikajurtauvik,* are in accordance with Goldenberg's (1974) recommendations that emphasized the participation of indigenous persons in the correctional process through the establishment of such centres, staffed by indigenous persons and designed for indigenous offenders.

The findings of our research in Frobisher Bay appear to indicate that the rising incidence of Inuit criminality during the 1960's and 70's, of assaultive behaviour, generally within the family, and property offences, usually committed while in a state of intoxication, as well as the development of a criminal sub-group, have partially evolved out of the strain experienced by Inuit in adapting to a semi-urban setting and the unfamiliar value orientations and structures of the more dominant Euro-Canadian culture. A major source of conflict to emerge from this interface of Inuit and Euro-Canadian cultures stems from the resentment and rebellion of Inuit, especially the younger element, against their inferior status and against their being denied full participation in the socio-economic life of the white-dominated community.

In recognition of these factors, and the finding that many Inuit offenders have little knowledge of their traditional values or competence on the land, as well as limited occupational skills, the *Ikajurtauvik* program of rehabilitation to facilitate their successful re-entry into the community of Frobisher Bay has been specifically designed to restore their self identity by encouraging their emulation of the positive Inuit models in the community. Interestingly, the centre has succeeded in creating a nucleus of former members willing to volunteer their time, energy and ideas to upgrading as well as expanding the correctional services within the community, in such areas as the development of an aftercare program, including a halfway house to bridge the inmate's transition from the institution to the community.

While this and previous studies have documented some of the shortcomings in the existing services of the criminal justice system as well as the lack of community participation in the planning and execution of these services, particularly necessary as they affect aboriginal people and socio-legal control, several advisory bodies have been created to improve this situation.

At a national level, the Edmonton conference on Native Peoples And The Criminal Justice System, held in February 1975, resulted in the establisment of a National Advisory Council on Native People and the Justice System to make recommendations for legislative reform of these services or their administration. Within the Northwest Territories, the Corrections Ordinance provides for the appointment of a six member Justice and Corrections Advisory Committee to advise and make recommendations to the Commissioner on the effectiveness of the administration of criminal justice in the Territories. Finally, there are plans for the creation of a citizens' advisory committee in Frobisher Bay, as a means for community involvement in implementing changes or any required improvements in the socio-legal services.

In conclusion, our socio-legal analysis of the Eastern Arctic community of Frobisher Bay has attempted to describe the administration of criminal justice in a changing society. It is our opinion that the study has portrayed the major difficulties encountered by Inuit in their transition to Canadian law ways and formalized agencies of socio-legal control. Furthermore, the increasing solidarity among Inuit in Frobisher Bay, reflected in consolidated community action in such areas as efforts to acquire more information about the law and the function of socio-legal agencies, participation in the administration of justice, and the planning and creation of innovative, Inuit-oriented programs for the resocialization of Inuit offenders, shows their growing determination to accept the major responsibility in resolving the problems experienced by their people during the adaptive process.

References

BALIKCI, A. (1970). **The Netsilik Eskimo.** Garden City: Natural History Press.

BIRKET-SMITH, K. (1929). The Caribou Eskimos. **Fifth Thule Expedition, 5.**

BIRKET-SMITH, K. (1959). **The Eskimos.** London: Methuen.

BOAS, F. (1888). The Central Eskimo, **in: Sixth Annual Report of the Bureau of Ethnology.** (pp. 399-675). Washington: Smithsonian Institution.

BOAS, F. (1907). The Eskimo of Baffin Land and Hudson Bay. **Bulletin American Museum of Natural History, XV.**

BRITTON, J. (1973). **Baffin Correctional Center — Ikajurtauvik.** Frobisher Bay: Department of Social Development.

CAVAN, R. S., CAVAN, J. T. (1968). **Delinquency and Crime: Cross-Cultural Perspectives.** New York: Lippincott.

CHANCE, N. A. (1966). **The Eskimos of North Alaska.** New York: Holt, Rinehart and Winston.

CHIEF MEDICAL AND HEALTH OFFICER (1971). **Report on Health Conditions in the Northwest Territories 1971.** Yellowknife: Government of the Northwest Territories.

CLAIRMONT, D. H. (1962). **Notes on the Drinking Behaviour of the Eskimos and Indians in the Aklavik Area.** Ottawa: Northern Co-ordination and Research Centre.

CLAIRMONT, D. H. (1963). **Deviance Among Indians and Eskimos in Aklavik.** Ottawa: Northern Co-ordination and Research Centre.

COHEN, A. (1966). **Deviance And Control.** Englewood Cliffs: Prentice-Hall.

COMMISSIONER OF THE NORTHWEST TERRITORIES (1973). **Annual Report.** Ottawa: Information Canada.

COOKE, L. (1974). Indian people examine the problem of alcohol. **News of the North.** Yellowknife. September 18, 1974.

CUMMING, P., KAZANJIAN, J., WONG, G. (in press). **Inuit And The Law.**

DEPARTMENT OF SOCIAL DEVELOPMENT (1969). **Annual Report of the Corrections Service.** Yellowknife: Department of Social Development.

ELLIS, M. (1973). **Baffin Region Corrections Programme.** Thornhill: McReynolds.

ERVIN, A. M. (1968). **New Northern Townsmen in Inuvik.** Ottawa: Northern Science Research Group.

FERGUSON, J. D. (1961). **The Human Ecology and Social Economic Change in the Community of Tuktoyaktuk, N.W.T.** Ottawa: Northern Co-ordination and Research Centre.

FERGUSON, J. D. (1971). Eskimos in a Satellite Society, **in** J. L. Elliot (Ed.): **Native Peoples** (pp. 15-28). Scarborough: Prentice-Hall.

FINKLER, H., PARIZEAU, A. (1973). **Deviance And Social Control: Manifestations, Tensions And Conflict in Frobisher Bay.** Montreal: International Centre For Comparative Criminology.

GAZETTE (1974). **Probe into R.C.M.P. Will Cross Country.** Montreal. November 25, 1974.

GLUCKMAN, M. (1965). **Politics, Law And Ritual In Tribal Society.** Oxford: Basil Blackwell.

GOLDENBERG, H. C. (1974). **Parole In Canada.** Ottawa: Information Canada.

GOLDSCHMIDT, V. (1956). The Greenland Criminal Code and its Sociological Background. **Acta Sociologica, 1,** 217-254.

GOLDSCHMIDT, V. (1974). The Decriminalisation As A Resource Problem. Paper presented at The VIIIth World Congress of Sociology, Toronto.

GRABURN, N. (1963). **A General Introduction to Lake Harbour, Baffin Island.** Ottawa: Northern Co-ordination and Research Centre.

GRABURN, N. (1969). Eskimo Law in Light of Self- and Group-interest. **Law And Society Review, 4,** (No. 1), 45-60.

GREENAWAY, K. R. (1973). **Science And The North: A Seminar On Guidelines For Scientific Activities in Northern Canada 1972.** Ottawa: Information Canada.

HALL, C. F. (1864). **Life With The Esquimaux.** Edmonton: Hurtig, 1970.

HAYES, D. C. (1970). **Law and the Eskimo in Canada today.** Toronto: Indian-Eskimo Association of Canada.

HOEBEL, E. A. (1941). Law-ways of the Primitive Eskimos. **Journal of Criminology and Criminal Law, 31,** 663-683.

HOEBEL, E. A. (1954). **The Law of Primitive Man.** Cambridge: Harvard University Press.

HONIGMANN, J. J., HONIGMANN, I. (1965). **Eskimo Townsmen.** Ottawa: Canadian Research Centre for Anthropology.

HONIGMANN, J. J., HONIGMANN, I. (1970). **Arctic Townsmen.** Ottawa: Canadian Research Centre for Anthropology.

HORN, C. (1974). Alcohol Conference Success. **News of the North.** Yellowknife. April 10, 1974.

INFORMATION CANADA (1972). **Justice In The North.** Ottawa: Information Canada.

INUIT TAPIRISAT OF CANADA (1973). **Proposal for A Legal Service Centre in the Northwest Territories.** Ottawa: Inuit Tapirisat of Canada.

INUKSHUK (1974). **C.F.F.B. News Brief.** Frobisher Bay. September 18, 1974.

JENNESS, D. (1964). **Eskimo Administration: II. Canada.** Montreal: Arctic Institute of North America.

JENNESS, D. (1968). **Eskimo Administration: V. Analysis And Reflections.** Montreal: Arctic Institute of North America.

JUBINVILLE, R. (1971). **Correction Services In The Northwest Territories.** Yellowknife: Department of Social Development.

JUSTICE OF THE PEACE CONFERENCE (1968). **Proceedings.** Yellowknife: Government of the Northwest Territories.

JUSTICE OF THE PEACE CONFERENCE (1974). **Proceedings.** Yellowknife: Government of the Northwest Territories.

KELLY, N., KELLY, W. (1973). **The Royal Canadian Mounted Police.** Edmonton: Hurtig.

LE DAIN, G. (1973). **Final Report Of The Commission Of Inquiry Into The Non-Medical Use of Drugs.** Ottawa: Information Canada.

LEGAL AID COMMITTEE OF THE NORTHWEST TERRITORIES (1972a). **Legal Aid — Northwest Territories.** Yellowknife: Government of the Northwest Territories.

LEGAL AID COMMITTEE OF THE NORTHWEST TERRITORIES (1972b). **Annual Report Of The Legal Aid Program For The Northwest Territories — 1972.** Yellowknife: Government of the Northwest Territories.

LEGAL AID COMMITTEE OF THE NORTHWEST TERRITORIES (1973). **Annual Report Of The Legal Aid Program For The Northwest Territories — 1972-1973.** Yellowknife: Government of the Northwest Territories.

LOFLAND, J. (1971). **Analyzing Social Settings.** Belmont: Wadsworth.

McCLELLAND, J. B. (1973). Alcohol blamed for 90 percent of crimes. **News of the North.** Yellowknife. February 28, 1973.

McREYNOLDS, K. L. (1971). **Yellowknife Correctional Centre.** Yellowknife: Department of Social Development.

McREYNOLDS, K. L. (1972). **Situational Appraisal Of Regional Correction Need.** Willowdale: McReynolds.

MORROW, W. G. (1965). Justice In The Canadian Arctic. **Queen's Quarterly, LXXII,** (No. 1), 144-149.

MORROW, W. G. (1967). Mr. Justice John Howard Sissons. **Alberta Law Review, V,** (No. 2), 254-262.

MORROW, W. G. (1968a). **Evidence And Proceedings Of The Inquiry re Administration Of Justice In The Hay River Area Of The Northwest Territories.** Vol. **6,** 1146-1284.

MORROW, W. G. (1968b). **Inquiry re Administration Of Justice In The Hay River Area Of The Northwest Territories.** Ottawa: Queen's Printer.

MORROW, W. G. (1970). A Survey Of Jury Verdicts In The Northwest Territories. **Alberta Law Review, VIII,** (No. 1), 50-58.

MORROW, W. G. (1971). Royal Bank of Canada v. Scott and Commissioner of Northwest Territories. **Western Weekly Reports, 4,** 491-508.

MORROW, W. G. (1972a). Law In An Age Of Protest. Paper presented at the Conference on Law In An Age Of Protest, Edmonton.

MORROW, W. G. (1972b). Law And The Thin Veneer Of Civilization. **Alberta Law Review, X,** (No. 1), 38-44.

MORROW, W. G. (1973). Administration of Justice and Native People. Paper presented at the Symposium on Law and Native Peoples, Saskatoon.

NEWS OF THE NORTH (1973). **Liquor outlet rejected in Rankin Inlet vote.** Yellowknife. October 17, 1973.

NORTHWEST TERRITORIES BOARD OF LIQUOR INQUIRY (1969). **A Report To The Commissioner.** Yellowknife: Government of the Northwest Territories.

NORTHWEST TERRITORIES DIVISION OF THE INDIAN-ESKIMO ASSOCIATION OF CANADA (1967). **Indians, Eskimos And The Administration Of Justice In The Northwest Territories.** A Brief To The Commission Of Inquiry Into The Administration Of Justice In The Northwest Territories.

PARKER, P. B. (1973). Justice in the Dark. **Commonwealth Judicial Journal**, 1, (No. 2), 16-19.

POSPISIL, L. (1964). Law And Societal Structure Among The Nunamiut Eskimo, **in** W. H. Goodenough (Ed.): **Explorations in Cultural Anthropology.** (pp. 395-431). New York: McGraw-Hill.

ROYAL CANADIAN MOUNTED POLICE (1920-). **Annual Report** (1922. 1923. 1929. 1931. 1935. 1945. 1946). Ottawa: King's Printer.

ROYAL CANADIAN MOUNTED POLICE (1962. 1966). **Annual Report**. Ottawa: Queen's Printer.

SCHMEISER, D. A. (1968). Indians, Eskimos And The Law. **Saskatchewan Law Review, 33**, (No. 1), 19-40.

SCHUURMAN, H. (1967). **Political Organization in the High Arctic**. (unpublished paper).

SERVICE, E. R. (1966). **The Hunters**. Englewood Cliffs: Prentice-Hall.

SISSONS, J. H. (1968). **Judge of the Far North**. Toronto: McClelland and Stewart.

SLOBODIN, R. (1966). **Metis of the Mackenzie District**. Ottawa: Canadian Research Centre for Anthropology.

SMITH, D. G. (1971). The Implications of Pluralism for Social Change Programs in a Canadian Arctic Community. **Anthropologica, XIII**, 193-214.

SOLICITOR GENERAL OF CANADA. (1968-1969. 1970-1971). **Annual Report**. Ottawa: Information Canada.

SOLICITOR GENERAL OF CANADA (1973). Ministerial Statements, Agenda, Communique And Other Related Documents. **Federal-Provincial Conference On Corrections, December 12-14, 1973**. Ottawa: Solicitor General of Canada.

STEENHOVEN, G. VAN DEN (1956a). Caribou Eskimo Legal Concepts, **in** V. F. Valentine, F. G. Vallee (Eds.): **Eskimo Of The Canadian Arctic** (pp. 76-84). Toronto: McClelland and Stewart.

STEENHOVEN, G. VAN DEN (1956b). **Research Report On Caribou Eskimo Law**. Ottawa: Northern Affairs And National Resources.

STEENHOVEN, G. VAN DEN (1959). **Legal Concepts Among the Netsilik Eskimos of Pelly Bay, N.W.T.** Ottawa: Northern Co-ordination and Research Centre.

STEENHOVEN, G. VAN DEN (1962). Leadership and Law Among the Eskimos of the Keewatin District, Northwest Territories. Unpublished doctoral dissertation, University of Leiden.

VALLEE, F. G. (1962). **Kabloona And Eskimo In The Central Keewatin**. Ottawa: Northern Co-ordination and Research Centre.

WACKO, W. J. (1973). **Observations And Recommendations Respecting Alcohol And Drugs In The Northwest Territories**. Yellowknife: Department of Social Development.

WEYER, E. M. (1932). **The Eskimos**. New Haven: Yale University Press.

WORSLEY, P. **et al**. (1970). **Introducing sociology**. Middlesex: Penguin.